



**CEDAR LAKE UNSAFE BUILDING DEPARTMENT MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
APRIL 21, 2021 at 6:30 PM**

CALL TO ORDER:

Mr. Sharpe called the Unsafe Building Department meeting to order at 6:30 PM on Wednesday, April 21, 2021, with its members attending on-site. The Pledge of Allegiance was recited by all.

ROLL CALL:

Members Present: Collen Schieben; Dennis Wilkening, Vice Chairman; and Richard Sharpe, Chairman
Also Present: David Austgen, Town Attorney; Ryan Deutmeyer, Town Attorney; Todd Wilkening, Fire Chief; Jill Murr, Planning Director; Tim Kubiak, Director of Operations; Terri Knowles, Recording Secretary; and Robert Carnahan

Absent: None.

MINUTES:

Mr. Sharpe entertained a motion to approve the February 17, 2021 minutes. A motion was Mr. Wilkening and seconded by Ms. Schieben. The motion passes unanimously by roll-call vote:

Ms. Schieben – Aye

Mr. Wilkening – Aye

Mr. Sharpe - Aye

Action Items:

1. 7201 West 143rd Place – Grieff – Fire

Mr. Sharpe stated that the first order of business was for the house located at 7201 West 143rd Place, that had had a fire. Ms. Murr stated Mr. Deutmeyer has been keeping up on this case and Fire Chief Wilkening has conducted his report. Mr. Kubiak had gone out to the property and condensed it down to a safer pile.

Mr. Kubiak stated Mr. Grieff contacted Mr. Eberly and stated the property had been sold and asked if the Town would hold off on cleaning it up. Mr. Eberly gave him to this week to get it cleaned up and if it was not completed by the end of the week then the Town would clean it. Discussion ensued about there had not been any work completed.

Ms. Murr stated at approximately 4:30 PM, Mr. Eberly was able to make contact with Mr. Grieff. They had been under the impression he would be in before Town Hall close of business to fill out a building permit.

This did not occur. The property owner has made contact and the Town is under the impression the property will sell.

Mr. Sharpe asked Mr. Deutmeyer what action the Unsafe Board needs for this item. Mr. Deutmeyer responded there is a couple of things and discussed the discrepancy between Mr. Kubiak's statement and Ms. Murr's statement about the property being sold. Mr. Kubiak stated Mr. Grieff advised Mr. Eberly he had sold the property, and he has not heard any other commentary on it selling. Discussion ensued about if the property had or had not been sold and if it had, it changes things slightly in regards who needs to be notified.

Mr. Deutmeyer asked Ms. Murr if she had the name of the person interested in the property. Ms. Murr responded just the name Mr. Grieff provided to Mr. Eberly. Mr. Deutmeyer asked if this person has been contacted yet. Ms. Murr responded in the negative. Mr. Deutmeyer advised Ms. Murr is get the information to him so a copy of the order can be delivered to them. Discussion ensued about when the property was supposed to be cleaned up and if it was not cleaned up by the end of the week, it would occur the following Monday or Tuesday.

Mr. Deutmeyer advised the Board for action item there are specific subsections that allows the Board to take emergency action. In so doing, they would not have to do the traditional notice order to give them time to do clean up. The emergency action is limited to just taking care of the immediate emergency. Mr. Deutmeyer discussed what would happen in the case of the property not being sold and the Grieffs being the property owners responsible for the cost. With the property being sold, an emergency order has been prepared for the Board's consideration. If the Board were to execute the emergency order for demolition it would authorize Mr. Kubiak to go in and do the clean up and it would allow for the order to be recorded at the Auditor's office. Doing this, something would be on the record that a Title Company could view, in which costs could be recuperated at closing or it would halt the sale of the property.

Mr. Sharpe entertained a motion for an emergency order for demolition on this property. A motion was made by Ms. Schieben and seconded by Mr. Wilkening. The motion passed by 3 Ayes to 0 Nays by voice vote.

2. 12715 Parrish Avenue – Fire

Mr. Sharpe stated the next order of business was for the property on 12715 Parrish Avenue and asked Mr. Deutmeyer if this was similar to the last property. Mr. Deutmeyer responded in the affirmative, this property would fall under normal statute. The emergency action has already been taken, what needs to happen next is for the evidence of the emergency condition to be presented to the Board to confirm the emergency. What will happen next is Ms. Murr will assemble the costs, which will then be presented to the board and the property owner will be given notices those costs will be presented. The owner can then present an argument or evidence on why it was not an emergency. The Board would then have the opportunity to confirm, deny, or reduce the cost. The owner would be given time to pay, and if it is not paid within the statutory mandated time period, it will then be assigned to the Auditor's office as a special assignment.

Mr. Sharpe asked what they need a motion for. Mr. Deutmeyer stated first have evidence presented as to what the conditions of the property were to require the emergency order. Then if the Board agrees, they would just need to ratify the emergency order.

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Mr. Sharpe asked Fire Chief Wilkening if he could present the evidence to the Board. Fire Chief Wilkening stated the structure suffered a major fire that caused major damage. They feared it would collapse. It is a standard procedure with fires, depending on the overall condition of the structure, to see if it is habitable or not. This house was not. The center of the house was sagging. Mr. Kubiak looked at the structure as well and it was deemed unsafe. It had to be demolished down to the ground so it would not collapse on anyone. The decision was made by him as the Fire Chief. The property had been discussed with Mr. Eberly and they had had Mr. Eberly out at the property and contacted Mr. Austgen to make sure everything was done properly. Public Works was called out, brought the building down, and cleaned the property up. A company was hired to come in and secure the sight due to individuals wanting to go through the property and the grounds. There will be a bill for that, which will need to be attached and he received the invoice for that late in the afternoon. There has been a fire report and fire investigation report completed, an unsafe building report was completed, and Ms. Murr has everything. Mr. Carl Brittingham helped with the investigation and took around 200 pictures of the site and these were also given to Ms. Murr.

Mr. Sharpe thanked Fire Chief Wilkening for his presentation. Mr. Carnahan stated they had needed to get NIPSCO out to the property and they had to find a special tool to get the power off. Fire Chief Wilkening stated NIPSCO had to find the actual T in the easement and explained the special tool. NIPSCO secured the gas at the street and the electric is off at the pole. There is no access to that property, both meters were pulled and secured by NIPSCO.

Mr. Sharpe asked Mr. Deutmeyer if they need a motion to approve the emergency action that had been taken. Mr. Deutmeyer responded in the affirmative. Ms. Murr advised the unsafe premise report has been distributed to the Board. Mr. Sharpe asked Mr. Deutmeyer if they needed to collect on the funds tonight. Mr. Deutmeyer responded in the negative it would come at the next Unsafe Board meeting.

Mr. Sharpe entertained a motion for this property. A motion was made by Ms. Schieben and seconded by Mr. Wilkening to approve the emergency action. Motion passed unanimously by voice vote.

Update Items:

1. 12740 Hilltop - Wade & Dunn Land Trust No. 1351

Mr. Sharpe stated the first item of business was for the property located at 12740 Hilltop and they need to do whatever needs to be done for this property. Ms. Schieben commented on the same. Mr. Kubiak stated the property owner came in 3 months ago a day or so after the meeting and asked about contractors and licensed contractors, they were going to get some estimates and plans and get back to the Town. There has been no further update since then.

Ms. Schieben stated he had been advised to be at the Unsafe meeting. Mr. Sharpe commented on the same. Ms. Schieben stated she feels that there needs to be action taken on this item. Mr. Sharpe asked Mr. Deutmeyer what they could do. Mr. Deutmeyer responded he was not sure if they ordered the title yet. He and Ms. Murr had discussed is whether or not there is someone living in the house. Ms. Schieben stated she believes someone is. Mr. Sharpe stated he has heard otherwise.

Mr. Wilkening asked if a building permit has been issued for the property. Ms. Murr responded in the negative. Discussion ensued about previous comments made by the property owner to Town Officials about fixing the property up that has not been followed through on.

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Mr. Deutmeyer advised the next step would be to order the title on this property and have a proposed order for demolition by the next Unsafe Meeting. Fire Chief Wilkening stated he needed to go and see if the oil was cleaned up on this property as well. There was open oil stored on the property.

Ms. Murr advised the Unsafe Report was completed in July of 2020 and asked Mr. Deutmeyer if he would need it updated. Mr. Deutmeyer responded in the affirmative. Mr. Sharpe commented on the amount of time that has been spent on this property. Fire Chief Wilkening inquired on what would be needed for an updated report. Mr. Deutmeyer responded to confirm that the conditions of the house are still the same. Fire Chief Wilkening advised he would get that done and send Ms. Murr an updated report.

2. 14620 Bryan Street – Frick

Mr. Sharpe advised the next order of business for update items was for the property at 14620 Bryan Street. Ms. Murr advised the Board that Fire Chief Wilkening just completed the Unsafe Report. She has spoken with Mr. Frick and Mr. Frick stated he would get a Building Permit to take the structure down. There had been consideration on a time limit to allow him to do the work himself, and potential conditions on sewer being capped.

Mr. Sharpe asked Fire Chief Wilkening if it is unsafe. Fire Chief Wilkening responded in the affirmative and there has been dialogue with Mr. Frick for approximately 2 or more years about the property. Mr. Frick claims he works a lot and has issues on getting to the Town to get a permit. Fire Chief Wilkening advised not messing around with the property any longer. It is time to move forward on this property. The house has deteriorated worse than when it was originally noted. No one is living in the house.

Mr. Austgen asked if there was a report on this property completed. Fire Chief Wilkening responded in the affirmative. Mr. Austgen asked if this report would need to be updated as well. Fire Chief Wilkening responded he just completed this one.

Mr. Deutmeyer advised they do have the title work for this property. Ms. Schieben asked if they could move forward on this property. Mr. Deutmeyer responded in the affirmative, and what can be done is prepping the initial order for the Boards consideration for the next Unsafe meeting.

Ms. Murr asked the Board if they would like for her to submit a request to Mr. Frick to attend the next meeting. Mr. Sharpe responded in the affirmative.

3. 7118 West 131st Place – Orellano

Mr. Sharpe advised the next order of business was for the property located at 7118 West 131st Place. Ms. Murr advised at their February meeting, they requested invite the property owner to attend the next Unsafe meeting. Upon looking at Lake County Records, the property ownership has changed hands. She asked the Board for their direction on inviting the new property owner.

Mr. Sharpe asked if they had the report on this property. Ms. Murr advised the report was completed December 18, 2019. Mr. Deutmeyer stated if he remembers correctly, the property owner had been present a couple of times. The property owner lived in Chicago and was doing some work and then there had been some final issues that needed resolved. This is what they had been waiting for.

Mr. Sharpe asked if they need to find out who owns the property. Ms. Murr responded that information was provided to the Board. Ms. Schieben commented Ms. Murr has the information. Ms. Murr

commented on the same and it was based upon Lake County Record. She can double check with the Utility Department if they have updated contact information.

Mr. Sharpe asked if they should go out to the property to see if some of the issues have been taken care of. Mr. Deutmeyer stated they have not heard from Mr. Orellano in quite some time and advised they can confirm the condition of the property while Ms. Murr sends a notice to appear. Fire Chief Wilkening advised he would go and review the property the next day. Mr. Deutmeyer stated if Fire Chief Wilkening goes to the property and sees that it is no longer unsafe the notice to appear does not need to be sent and the item can be removed from the unsafe list. If it is still unsafe, the letter can be mailed.

4. 6425 West 141st Avenue – Ward

Mr. Sharpe advised the next item for updates was for the property located at 6425 West 141st Avenue and asked for any information on this property. Mr. Kubiak advised this property has been on the unsafe list for a while. The property owners were going to either remodel it or tear it down themselves.

Fire Chief Wilkening and Mr. Sharpe asked if it has a Building Permit out. Mr. Kubiak stated he thinks they might have gotten one, but he is not sure.

Mr. Wilkening stated in January there had been an order for demolition. Mr. Sharpe asked if it was from January of 2020. Mr. Wilkening responded January of 2021 and they had done a hold on the order until their next meeting.

Fire Chief Wilkening commented this house had had a fire as well. Mr. Sharpe asked Mr. Wilkening if that was recent and they were supposed to be at this meeting. Mr. Wilkening responded in the affirmative. It was deemed unsafe from premise report.

Mr. Sharpe asked if the property owners could be reached to attend the Unsafe meeting, and asked Mr. Deutmeyer if that was advisable. Mr. Deutmeyer stated he was trying to remember, if the discussion was giving the property owner a shorter time frame to get the work done. Mr. Sharpe responded in the affirmative. Mr. Deutmeyer further commented it had been discussed limiting the time frame to 3 months or 6 months.

Fire Chief Wilkening commented this was the garage under the house that caught fire but did not burn the whole house. It happened so many years ago that the house has deteriorated even worse. Mr. Kubiak commented the property owner stated they were going to use the foundation to repair the house with. Fire Chief Wilkening commented on the same. Ms. Schieben asked if they had done anything at all. Fire Chief Wilkening responded in the negative. He would go back over and double check.

Mr. Carnahan stated he received a call on this property and the Chief of Police at the time and himself went out and took a look at the house. So, this date backs a long time. Discussion ensued if a report was done at the time and that Fire Chief Wilkening was going to go back out to the property.

Mr. Sharpe verified that Fire Chief Wilkening was going to go out and look at the property. Fire Chief Wilkening responded in the affirmative. Ms. Murr asked if it was okay with the Board to verify the information and invite the property owners to the next Unsafe meeting. Mr. Sharpe responded in the affirmative.

Possible Unsafe Structures:

- 1. 7215 West 128th Place**
- 2. 7512 West 128th Lane**
- 3. 7020 West 139th Lane – Fire**

Mr. Sharpe commented there were three items listed as possible unsafe structures and asked if there were any information on them. Ms. Schieben commented they were all fairly new, but she has received a few complaints about these properties. Mr. Sharpe stated they are probably about the same and mentioned that 7020 West 139th Lane had had a fire. Mr. Sharpe asked Ms. Murr if this property would require anything special.

Ms. Murr responded this had been on their agenda prior to her attending the Unsafe Building meetings. She does not have a file on that property. Discussion was had that the property at 7020 West 139th Lane was gone and if it could be removed from the agenda. It was advised checking to ensure the property is gone before removing it from the list.

Fire Chief Wilkening asked if the property on 7512 West 128th Lane was the 2 houses that are next to each other that people keep complaining about, but the property owner has permits on them. Mr. Carnahan responded he thinks this is by the MacArthur School area where the neighbors came to a meeting and stated nothing was being taken care of. Fire Chief Wilkening commented they had a permit because there was a permit on display when they went and looked at the property. Both himself and Mr. Kubiak went and looked at the property, and looking in the window it was visible there was work being done to the property. Both houses on 7215 West 128th Place and 7512 West 128th Lane are having work done on them.

Ms. Schieben asked if Fire Chief Wilkening would need to drive by and ensure work was being done on them. Fire Chief Wilkening advised he has been by both properties 5 or 6 times due to so many complaints on the properties. They don't do unsafe building reports on buildings that are not deemed unsafe, and neither house is unsafe. They are not in great shape, but they are not beyond repair and with the Building Permits, it ties the Town's hands. There are parameters by law that have to be followed.

Mr. Wilkening stated he had called Ms. Murr about a house on Deodor street and asked if she got an address on it. Fire Chief Wilkening advised he had an address and he did a report on it. Ms. Murr advised the next meeting they would have that house on there.

Mr. Sharpe asked how many Building Permits can a person apply for. Ms. Murr responded an individual could apply for as many as they would want. Mr. Wilkening asked if someone could continuously draw a permit, how would they be able to take down an unsafe structure. Ms. Murr responded the house on Deodor street, she did check on it. The property owner did get a permit in October, she attempted to reach the property owner today by the number listed on their permit and did not get a response. Discussion ensued about the permit issued and if it was a demolition permit and how long a permit is good for. Discussion also ensued on what would happen if the individual attempted to apply for a second demolition permit.

Ms. Murr asked if the Board would like for her to invite the property owner to the next Unsafe Meeting. Mr. Sharpe responded in the affirmative.

Unsafe Building Department

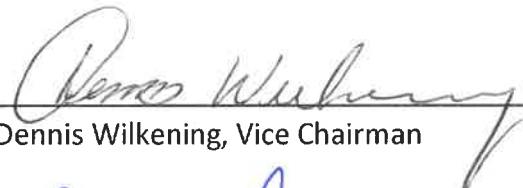
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Ms. Murr asked the Board with the amount of items and property owners invited to attend for their next meeting, if the Board would consider moving the meeting to 6 PM for their next scheduled meeting. Mr. Sharpe responded in the affirmative and confirmed with the Board if that time was good for them. The Board responded in the affirmative.


Public Comment: None was had.

ADJOURNMENT: Mr. Sharpe adjourned the meeting at 7:05 PM.

TOWN OF CEDAR LAKE UNSAFE BUILDING DEPARTMENT


Richard Sharpe, Chairman
Dennis Wilkening, Vice Chairman
Colleen Schieben, Member

ATTEST:


Ashley Abernathy, Recording Secretary

The Minutes of the Unsafe Building Department are transcribed pursuant to IC 5-14-15-4(b) which states:

(b) As the meeting progresses, the following memoranda shall be kept:

(1) The date, time, and place of the meeting.

(2) The members of the governing body recorded as either present or absent.

(3) The general substance of all matters proposed, discussed, or decided.

(4) A record of all votes taken by individual members if there is a roll call.

(5) Any additional information required under section 3.5 or 3.6 of this chapter or any other statute that authorizes a governing body to conduct a meeting using an electronic means of communication.

Cedar Lake Unsafe Building Department: Minutes of the April 21, 2021 Public Meeting