



**CEDAR LAKE UNSAFE BUILDING DEPARTMENT MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
OCTOBER 20, 2021 at 6:00 PM**

CALL TO ORDER:

Mr. Sharpe called the Unsafe Building Department meeting to order at 6:00 PM on Wednesday, October 20, 2021, with its members attending on-site. The Pledge of Allegiance was recited by all.

ROLL CALL:

Members Present: Colleen Schieben; Dennis Wilkening, Vice Chairman; and Richard Sharpe, Chairman

Also Present: Ryan Deutmeyer, Town Attorney; Jill Murr, Planning Director; Tony Gatto, Building Inspector; and Ashley Abernathy, Recording Secretary

Absent: Todd Wilkening, Fire Chief

MINUTES:

Mr. Sharpe entertained a motion to approve the Minutes of the September 15, 2021. A motion was made by Mr. Wilkening and seconded by Ms. Schieben to approve the Minutes of the September 15, 2021 Public Meeting. The motion passed unanimously by roll call vote.

Ms. Schieben – Aye

Mr. Wilkening – Aye

Mr. Sharpe – Aye

Action Items:

1. 7512 West 128th Lane – Kelly

Mr. Sharpe stated that the first order of business was for the action item of 7512 West 128th Lane. Mr. Sharpe asked for an update on this item.

Ms. Murr stated on September 28, the order for demolition had been posted. In the binder under Section 1 was correspondence from a tax sale purchaser, Mr. Simon Ristevski. The date of the redemption period had passed. However, Mr. Ristevski has a hearing on December 9th through the courts.

Ms. Murr continued that Mr. Ristevski is stating his intent is to rehabilitate the house. Until after the court process is gone through, no work can be done. She had talked with Mr. Deutmeyer earlier and is recommending Mr. Ristevski come back after the court date to provide an update. Mr. Deutmeyer commented on the same.

Mr. Deutmeyer stated he has some experience with this purchaser and he believes Mr. Ristevski purchases a lot of property. He suggests keeping a tighter leash on this to ensure that it is moving and the Board receives whatever changes happen.

Mr. Sharpe stated that Mr. Ristevski is asking for an extension until April 9, 2022. Mr. Deutmeyer responded he would not suggest that. The tax sale procedure is complex, he has filed his petition, and has a court date set for December 9. The Kellys have communicated to Ms. Murr that they want to wash their hands of the property. It does not appear there is going to be significant issues. Unless someone presents a defense to the issuance of the tax deed, the courts will grant it on that day. Mr. Sharpe asked if it was going to happen right away. Mr. Deutmeyer responded in the affirmative.

Mr. Deutmeyer continued Mr. Ristevski would have approximately 150 days from the date the order is entered to take the order to the Auditor's Office to have the property put into their name. Mr. Deutmeyer suggests making an update be provided in January to keep the process on track. Mr. Ristevski would need to provide some legitimate plans, otherwise the demolition order has been issued. Mr. Ristevski is aware of the demolition order and the Town can move forward on this property. Mr. Sharpe thanked Mr. Deutmeyer and stated he believes that is a good idea and have him at the first meeting in January.

Ms. Murr asked if she should send a letter out requesting his presence at the January meeting. Mr. Deutmeyer responded in the affirmative. Ms. Murr asked if she needs to notify everyone else listed. Mr. Deutmeyer responded they are all involved in the tax sale process, so to mail everyone listed until Mr. Ristevski has obtained the title to the property. Once Mr. Ristevski is the property owner then all the others can stop being notified.

Mr. Sharpe clarified the Board is wanting the update in January from Mr. Ristevski. Mr. Deutmeyer responded in the affirmative. Mr. Sharpe asked for the tentative date of the January meeting. Ms. Murr responded it is anticipated to be on January 19, 2022.

Mr. Sharpe asked Mr. Deutmeyer if he is recommending a deferral until January 19. Mr. Deutmeyer responded in the affirmative and to make sure Mr. Ristevski has the title in January and get an idea for the plans for the property. Mr. Deutmeyer stated that when and if the plans are sufficient to the Board, he suggests the Building Permits are issued to cut down on the timeframe, as has been done in the past.

Ms. Murr advised the Board for the record, Lot 26 on which the structure is located is the only lot that is part of the tax sale. This is the only lot which Mr. Ristevski is acquiring. There are vacant lots located on either side of this parcel. Mr. Sharpe thanked Ms. Murr for the information.

Mr. Sharpe entertained a motion to defer this item until the January meeting. A motion was made by Ms. Schieben and seconded Mr. Wilkening by to defer this item until the January meeting. The motion passed unanimously by roll-call vote.

Ms. Schieben – Aye

Mr. Wilkening – Aye

Mr. Sharpe – Aye

Update Items:

1. 7220 West 138th Place

Mr. Sharpe stated the first item of business for update items was located at 7220 West 138th Place. Mr. Sharpe asked Ms. Murr if she had an update on this item. Ms. Murr stated this property is located up the street and she was unable to find a phone number to contact anyone to find out what their intents were. Ms. Murr continued she did observe a dumpster in front of the property last week. If the Board would like, she can send a letter out to the property owner of record to be in attendance at the November meeting. Mr. Sharpe responded in the affirmative and asked Mr. Deutmeyer if they would need a motion for that. Mr. Deutmeyer responded in the negative as this is just an update item.

Bird

Mr. Deutmeyer stated he had gone to the Bird property last Wednesday (October 13, 2021) with Fire Chief Wilkening, Mr. Eberly and Mr. Kubiak. They were to meet with the daughter, but no one was home. Fire Chief Wilkening knocked on the door and the door swung open. They did not enter the house but, they did take photographs of the outside of the house.

Mr. Deutmeyer stated they had court the day prior and Judge Parent still has the main concern of continuing cooperation by the Birds for relocation assistance. Judge Parent has contacted Congressman Mryan to obtain some expedition of requests to determine if he is available for any VA benefits. The indications that have been received back is that he probably is not eligible. Mr. Bird had served a short time of only 3 or 4 months. Mr. Deutmeyer described the process of receiving the records to determine the amount of service served.

Mr. Deutmeyer stated he has been in contact with the local VA President and Mr. Bird signed all necessary documents for them to receive the information that he needs. Adult Protective Services has been ordered to assist. Mr. Bird is not incompetent, and the judge wanted to engage the VASIA program which is run out of Judge Parent's courtroom. In order for the VASIA program to assist, a finding of incompetency is needed. It did not appear this was going to happen with Mr. Bird. The report Mr. Deutmeyer got stated he is capable of taking care of himself, just not physically. The judge has the VA and Adult Protective Services working on this case and attempted for VASIA. The Birds have applied, by their own testimony, to a facility in Michigan City called the Canterbury House, but there was not an opening that was sufficient for his needs with a wheelchair. Mr. Deutmeyer discussed the uniqueness of the case of Mr. Bird living in the house and the lengthy process.

Ms. Olson asked if they have looked into the Soldiers and Sailors Home in Lafayette. Mr. Deutmeyer responded in the negative. Ms. Olson stated this housing is for any honorably discharged military person, regardless their time of service. It is a residential facility that goes from ICU care down to assisted living. It does not cost, except what he gets in Social Security, and they give an allotment of the Social Security. Mr. Bird just cannot own any property.

Mr. Deutmeyer stated the Birds are still making claims of repairs. Mr. Sharpe asked if they did not go inside on the last visit. Mr. Deutmeyer responded they could not get in. His condition to the judge is they still want to move forward with this, even if it has to take longer to safely get the resident to another living facility. The Town Representatives are not going back out to the property, unless the Birds call the Town and state that they made all these repairs and would like for the Town to take a look. There is a court date

set for early November. Discussion ensued about the Birds and the daughter working to help the dad relocate and the living arrangements of the Bird family.

Possible Unsafe Structures:

1. 12912 Hilltop

Mr. Sharpe asked for an update on the possible unsafe structure at 12912 Hilltop. Mr. Gatto stated he and Fire Chief Wilkening had gone out to the property and inspected it. Upon inspection it was determined that it was not an unsafe building by the law. Mr. Gatto and Fire Chief Wilkening mailed a request to the property owner requesting he make multiple repairs that need done to the property. The tenant of the property was also given a copy of the letter to take to court with her for her eviction hearing.

Mr. Deutmeyer asked if this was the property that had the holes. Ms. Cindy Olson stated it was the property with the holes in the ceiling and the holes in the house. Mr. Deutmeyer asked Mr. Gatto if his inspection was interior and exterior. Mr. Gatto responded in the affirmative. Mr. Sharpe asked if the foundation and everything looks good. Mr. Gatto responded in the affirmative. The house is very repairable, it has just been neglected.

Ms. Olson stated the problem is going to be he is going to hire people that are not qualified to do the work. He will put up plaster board over the plaster board that is currently existing. It would not take away the mold that is in the house. Ms. Olson stated if he puts up new plaster board, you would not know the old stuff is back there. Mr. Gatto stated it needs a structural roof replacement, with sheeting at least. Mr. Gatto listed that the house needs windows, siding, soffit, and fascia. The deck is falling off of the back, however there is still the front entrance. Mr. Sharpe asked that it is all that but it is not unsafe. Mr. Gatto responded in the affirmative.

Ms. Olson asked what the Town do about the house, if anything. Mr. Sharpe asked if the letter could be followed up on. Mr. Deutmeyer asked if there were any code violations. Mr. Gatto responded with Mr. Eberly was saying the Town does not have a leg to stand on, as far as making him repair the house. This is why the wording request instead for require was used in the letter. Discussion ensued about whether the Unsafe Building had anything they could do to force the repairs.

Mr. Sharpe asked Mr. Deutmeyer if there is any way to follow up on the letter. Mr. Deutmeyer that is why he asked if there was a code violation. If there was, a code enforcement officer could follow up. Mr. Gatto responded if anything, the rear deck is falling off, but there is another means of egress through the front door. Discussion ensued regarding if there was a potential violation in only having one means of egress. Discussion also ensued about the property owner being able to turn around and rent the property out to someone else.

Public Comment: Mr. Sharpe opened the floor for public comment.

Mr. Wilkening stated the house on Deodor, that at the last meeting he had talked about the dumpster being full and the house was down. The yard is a mess and the dumpster is still sitting on the property full. Ms. Murr stated she checked their building permit with the Building Department before Ms. Bilgri left, and it expired the day prior. This is listed as an update item for the November meeting, due to the timing. She will make sure it is checked up on. Ms. Murr stated a notice was issued to them at the beginning of the month that their permit was expiring.


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Mr. Deutmeyer asked Ms. Murr if she knew the status of any of the properties for which demolition orders were issued, if any of them were down. Ms. Murr responded in the negative, none of them were down yet.


ADJOURNMENT: Mr. Sharpe adjourned the meeting at 6:29 PM.

Next meeting November 17, 2021 at 6:00 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 October 20, 2021 Public Meeting