



CEDAR LAKE UNSAFE BUILDING DEPARTMENT MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
May 18, 2022, at 6:00 PM

CALL TO ORDER:

Mr. Sharpe called the Unsafe Building Department meeting to order at 6:02 PM on Wednesday, May 18, 2022, with its members attending on-site. The Pledge of Allegiance was recited by all.

ROLL CALL:

Members Present: Colleen Schieben; and Richard Sharpe, Chairman. A quorum was attained.

Also Present: Ryan Deutmeyer, Town Attorney; Chris Salatas, Town Manager; Tony Gatto, Building Inspector; and Margaret Abernathy present on behalf of Ashley Abernathy, Recording Secretary.

Absent: Dennis Wilkening, Vice Chairman.

MINUTES:

Mr. Sharpe entertained a motion to approve the Minutes of April 20, 2022, Meeting. A motion was made by Ms. Schieben and seconded by Mr. Sharpe to approve the Minutes of the April 20, 2022, Public Meeting. The motion passed unanimously by roll call vote:

Ms. Schieben Aye

Mr. Sharpe Aye

New Business:

1. 6911 West 131st Avenue – J&D Son Rentals LLC

Mr. Sharpe stated the first order of New Business was for the property located in the vicinity of 6911 West 131st Avenue.

Mr. James Ramsey stated he and his wife are the current owners of the property. Mr. Sharpe informed Mr. Ramsey that the report on the property says it is an unsafe structure and asked if he will be doing anything with the property. Mr. Ramsey replied that when he received the report, he repaired the garage door and put another door in, so the building is secure. He would like to make more repairs.

Mr. Ramsey commented he is having some problems as the tenant has not paid rent in three months, and they spent \$520 on an attorney for an eviction. They did not want to work on the property while evicting the tenant. The tenant is living there and told the Ramseys today that he would come up with some money, so he gave him one more day. Mr. Ramsey spoke about the financial difficulties of paying a

mortgage on two houses and requested that they be granted an extension of time for repairs as they are selling one home and moving to another. Mr. Ramsey asked for 90 days in order to sell the one house to free up that mortgage payment to work on the property. Mr. Ramsey reported one of the neighbors wants the building and is pushing for it to be demolished. He bought the property as a cabin.

Mr. Sharpe asked if the tenant was still living in the property. Mr. Ramseys responded in the affirmative and commented he feels bad for the tenant because his wife left him.

Mr. Sharpe asked what the Board's option are. Mr. Deutmeyer advised the last time the garage door and side access door were the issue. Mr. Gatto confirmed the same and noted that the garage has been secured and that Mr. Ramsey was asked to come in and give a timeline on when he will make the repairs.

Mr. Ramsey expressed he has financial issues due to tenants not paying rent makes it difficult to buy the materials, but he has no problem doing the work when he has the proper materials. He would still like the property to be like a cabin.

Mr. Deutmeyer advised giving Mr. Ramsey a firm deadline if it is the Board's pleasure to grant more time, and if said deadline is not met, we can begin the proceedings. Mr. Sharpe stated that he and Ms. Schieben will allow a 60-day extension from today.

Mr. Ramsey asked if that was a start deadline. Ms. Schieben advised a Building Permit pulled and work started. Mr. Ramsey stated he has a guy who can straighten up the framing and do the roofing. He wants to keep the brown siding brown and keep the house as a classic cabin.

Mr. Sharpe advised Mr. Ramsey to be at the July 20th meeting and to have already pulled some work permits. Mr. Ramsey agreed to the same.

Mr. Sharpe entertained a motion for this item. A motion was made by Ms. Schieben and seconded by Mr. Sharpe to defer this item to the July 20, 2022, meeting for an update with the contingencies that a Building Permit with a 90-day expiration is pulled by July 20, 2022, and that a copy be provided at the meeting. The motion passed unanimously by roll-call vote:

Ms. Schieben Aye

Mr. Sharpe Aye

2. 7424 West 140th Place – Graves

Mr. Sharpe stated the second order of business was for the property located in the vicinity of 7424 West 140th Place.

Mr. Rick Kuiper stepped up to the podium and his name for the record.

Ms. Schieben advised she had spoken with Chief Fisher to send an officer to the home on Sunday. She happened to be driving through the neighborhood and saw that the garage door was open and that her car was there.

Mr. Kuiper stated her car is there all the time and stated he provided pictures. She is there every night and drives up in her car between 7 and 9 p.m. every night.

Ms. Schieben noted that Ms. Graves had given the Officer who went there an address elsewhere and stated that is where she lives. Mr. Kuiper commented he called the Police twice and called Code Enforcement and called wellness checks and tried to call Mr. Salatas, but he was always busy. She was there during a wellness check, but they could not break the door down. The Officers beat on the door for 20 minutes, but she would not answer.

Mr. Sharpe advised they have been provided two separate Police Reports. Mr. Kuiper reported he called again on Saturday because she was outside; Officer Machalk showed up; and as soon as he arrived, she slammed the garage door, locked it, and said she was not living there and was cleaning it up because it is up for sale.

Ms. Schieben asked Mr. Deutmeyer if they can proceed on this since the garage was supposed to be demolished when the house was. Mr. Deutmeyer responded there is a dual path: The first is the actual demolition of the garage. At the last meeting, they directed Mr. Deutmeyer to have the title work done. He received that yesterday, and he has proposed Orders for Demolition ready for signature this evening if that is their pleasure, which will keep it on the path discussed at the last meeting. This will give Ms. Graves until the June meeting to get it fixed. If it is not fixed by the June meeting then she either comes in and gives her story or the Unsafe Building Department Members can reaffirm that Order, which would allow for it to be demolished.

Mr. Deutmeyer advised as far as the human component, he spoke with the Lake County Health Department after the last meeting and made a complaint. He was contacted by an agent of that department who has familiarity with Ms. Graves. That agent informed Mr. Deutmeyer that he could go and red tag the building, but all that would happen is they would put the red tag on it, and that is it. Mr. Deutmeyer further advised in order to get her out of the property, they are looking at alternatives under other Town Ordinances that would not allow her to live in that structure, which would necessitate a quick hearing, court filings in one of the Lake Superior Courts to be in front of a judge and have a judge remove her or preclude her from returning to the property and further allow her to be removed if she returned to the property.

Mr. Deutmeyer commented that neither the Health Department nor Adult Protective Services have jurisdiction to get her out currently, especially adult protective services because the last time she was under their custody, the last and final physician's report they have for her is that she was competent. Adult Protective Services can only get involved when somebody is unable to care for themselves. Until they get a report from a doctor that suggest otherwise, they do not have the ability to do anything.

Ms. Schieben asked what steps they need to take to proceed towards the demolition of the garage and possibly having legal go to the court system. Mr. Deutmeyer responded the court issue is not under the purview of this board, and he and Dave Austgen are working on that separately with Mr. Gatto. Mr. Sharpe asked if that is something that can be done soon. Mr. Deutmeyer explained if that is the direction they are given, they will put together something quickly to get a TRO in front of a judge.

Mr. Kuiper commented that if she is approached on this, she will lie through her teeth. Mr. Deutmeyer responded if she wants to say she does not live there, then we can all agree that she cannot live there and if she goes there, she can be removed.

Mr. Deutmeyer advised the Board they have the Order of Demolition prepared. Mr. Deutmeyer instructed Mr. Gatto, if the Board approves this, his task would be to serve this Order upon her by posting it at the property. Mr. Gatto is to knock on the door and if Ms. Graves does not answer he should tape it to the garage entry door take a picture of it. It is presumed that she will not answer. After he does so, notify Mr. Deutmeyer the time, date, where it is at, and he will fill out the Affidavit and send it over to him for his signature.

Mr. Sharpe entertained a motion for this item. A motion was made by Ms. Schieben and seconded by Mr. Sharpe to issue the Order of Demolition. The motion passed unanimously by roll-call vote:

Ms. Schieben Aye

Mr. Sharpe Aye

Mr. Deutmeyer advised the Order requires that Ms. Graves has the property demolished on or before June 14, 2022, or she shows up at the June 15, 2022, meeting to explain what she is going to do to the property or to give a plan for demolition. Presuming that does not happen, this Board will enforce the Order.

3. 13336 Lemoore Street – Vogl

Mr. Sharpe stated that next order of business was for the property located in the vicinity of 13336 Lemoore Street.

Mr. Sharpe asked if anyone was present to speak who represented the property. Ms. M. Abernathy stated that Mr. Vogl was sent a Zoom invitation, however, he was not present via Zoom to speak to the Board.

Mr. Sharpe stated this property needs to be demolished. Ms. Schieben concurred.

Mr. Gatto advised they tried to email a Building Permit Application yesterday. They listed “To be determined” for the contractor’s information, so they still have not done anything.

Ms. Schieben asked what is needed from them to move forward with the removal of the structures. Mr. Deutmeyer responded he needs direction from them to order title work, which is usually turned around in one month, and he can have a Demolition Order ready for next month.

Mr. Sharpe entertained a motion for this item. A motion was made by Ms. Schieben and seconded by Mr. Sharpe to order title work. The motion passed unanimously by roll-call vote:

Ms. Schieben Aye

Mr. Sharpe Aye

Possible Unsafe:

1. 7120 W 132nd Place – Kubal

Mr. Sharpe stated the first property under Possible Unsafe was for the property located in the vicinity of 7120 West 132nd Place.

Mr. Salatas advised this property is the white house over by the Nipsco substation. Mr. Gatto commented that prior to the last meeting, Henn submitted an application for demolition, so we thought it was good to go, and a couple of days after the meeting, which was rescinded as someone bought the property from Gary Kubal. They are supposed to be doing something with the property.

Mr. Sharpe requested staff to find out who the new owners are and have them appear at the June meeting.

A motion was made by Ms. Schieben and seconded by Mr. Sharpe to defer this item until the new owners are identified. The motion passed unanimously by roll-call vote:

Ms. Schieben Aye
Mr. Sharpe Aye

2. 13947 Hobart Street – Wease

Mr. Sharpe stated the second property under Possible Unsafe was for the property located in the vicinity of 13947 Hobart Street. Mr. Sharpe asked if this is a new property. Mr. Gatto responded in the affirmative and commented that this property fits the criteria for an unsafe building and needs to come down.

A motion was made by Ms. Schieben and seconded by Mr. Sharpe to defer this property to the next meeting when a report is ready. The motion passed unanimously by roll-call vote:

Ms. Schieben Aye
Mr. Sharpe Aye

3. 8120 Lake Shore Drive –Schane’s Bar & Grill

Mr. Sharpe stated the third property under Possible Unsafe was for the property located in the vicinity of 8120 Lake Shore Drive.

Mr. Salatas noted that he has received numerous calls about this property. It is on Lake Shore Drive, so everyone can see it that is traveling through Cedar Lake. It is in bad shape from a structure fire that occurred on November 19, 2021. This property is two days away from losing their legal non-conforming status. Once that status is lost, anyone trying to do anything with that property will have to go through a number of processes. It is still a metes-and-bounds parcel, so it would require a one-lot subdivision, which triggers all the Subdivision Control standards. They would also lose the use that they had been grandfathered under. The property is unsafe by his estimation as there is a lot of material that has fallen off of the building since the fire. Code Enforcement has been out there trying to get them to move on cleaning up the property.

Mr. Salatas advised he asked for this property to be added to the agenda due to all the calls received about it to see if the Board agrees, and Mr. Gatto can start the process if so. Mr. Sharpe asked Mr. Gatto to proceed with his report. Mr. Gatto agreed to the same.

A motion was made by Ms. Schieben and seconded by Mr. Sharpe to defer this property to the next meeting when a report is ready. The motion passed unanimously by roll-call vote:

Ms. Schieben Aye
Mr. Sharpe Aye

4. 13716 Birch Street -- Blanton

Mr. Sharpe stated the fourth property under Possible Unsafe was for the property located in the vicinity of 13716 Birch Street.

Mr. Gatto advised there is no report on this property as yet. An anonymous call was received this past week. He did a drive by the property yesterday and tried to walk around the property. The landscape and yard are overgrown badly enough that he cannot walk around the south side of the property. It does not look like anyone is living there. The gas and electric are still turned on. It is in disrepair and fits the bill of an Unsafe Building as well. It is unknown if someone lives there and who owns the property.

A motion was made by Ms. Schieben and seconded by Mr. Sharpe to defer this property to the next meeting when a report is ready, and the owners are made known. The motion passed unanimously by roll-call vote:

Ms. Schieben Aye
Mr. Sharpe Aye

Update Items:

1. 7512 west 128th Lane – Ristevski (formerly Kelly)

Mr. Sharpe stated the first order of business for Update Items was for the property located in the vicinity of 7512 West 128th Lane.

Mr. Simon Ristevski stated that he came in on the 9th to try and pull Building Permits. He spoke with Ashley Abernathy in the Building Department. She had sent him the file, but he did not get it. It appears there is an issue with the façade and the roofing.

Mr. Sharpe asked if Mr. Ristevski had just purchased the property. Mr. Ristevski confirmed he had just purchased it from a tax sale. He acquired the property in April. The taxes and everything is paid up on the property. He is trying to meet with the Inspector. He works from 6 a.m. to 2 p.m. Monday through Friday, and he was told the inspections are only until 2 p.m. He cannot make it during the times allocated, so he said he would leave the front door open so the Inspector could walk through the house and issue him a permit for whatever is needed.

Mr. Gatto advised he drove past the house before the April meeting and met a big groundhog in the front yard that saw him and went through the hole in the foundation to under the house. Mr. Ristevski said he could patch that up and said he needs to know why it is on the Unsafe Building. The report said for the siding and the roof.

Mr. Gatto advised that was a report that predates him, so he is unsure what is listed on that one. As far as the house itself, there is an add-on on the back that will have to go; the foundation has to be repaired, and the back of the home is just sitting on something. This cannot be remedied with only siding, windows,

and roof. It has more that needs to be done. Mr. Gatto agreed to work with Mr. Ristevski on getting out there due to his schedule constraints.

Ms. Schieben advised the report she has says the structure is an impaired structural condition which makes it unsafe to persons and property. The unsafe premises constitutes a fire hazard. The unsafe premises constitutes a hazard to the public health, constitutes a nuisance, an unsafe danger to persons on property.

Mr. Sharpe instructed Mr. Ristevski to work with Mr. Gatto to determine what needs to be done and then he can pull the permits based on what Mr. Gatto tells him needs repaired.

Mr. Gatto recommended deferring this property for two months. Mr. Sharpe advised this will be kept as an update item so Mr. Gatto may give an update at the June meeting.

Mr. Sharpe and Ms. Schieben asked Mr. Ristevski to appear at the meeting on July 20, 2022, at 6 p.m.

2. 7020 West 139th Place – INACQ LLC (formerly Crum)

Mr. Sharpe stated the second order of business for Update Items was for the property located in the vicinity of 7020 West 139th Place.

Ms. Stephani Nydam stated she is here on behalf of the owner. She has updates to give, but no repairs have not been completed yet. They had some people out to look at the foundation and it is worse than they expected it to be. They have two builders and two private parties that are interested in building on that lot, but they have not done anything with that yet.

Mr. Gatto advised that one of the foundation companies spoke with him about this property while they were at an unrelated property, and he said it is not worth repairing that foundation and that it is not repairable. Ms. Nydam said she was told by two companies it was repairable. Mr. Gatto informed her that in the guy's words he spoke to were, "It was half-ass repair after half-ass repair, after half-ass repair. Nothing was done right." Mr. Gatto added we are not going to issue a permit to rebuild the home atop a faulty foundation if that is the case.

Ms. Nydam said it was either repair or be redone. Those were the two options she was given. One of them said that redoing the foundation would be more cost effective, and the other one said it would be fine fixing it. Mr. Gatto asked if the home itself is worth jacking up and putting a foundation under it. Ms. Nydam responded they have quotes from contractors that would still make sense with comps in the area.

Mr. Salatas asked if the property has been put up for sale. Ms. Nydam responded in the negative. Mr. Deutmeyer asked when they received title to the tax sale. Ms. Nydam responded they received it in the middle of March, but they do not have Quiet Title yet.

Mr. Deutmeyer advised they receive an affirmative decision it if will be repaired or whatnot. The Unsafe Building Department Members requested Ms. Nydam to report back at the next meeting on June 15, 2022, at 6p.m. Ms. Nydam agreed to the same.

3. 7220 W. 138th Place – Leonhardt

Mr. Sharpe stated the next Update Item was for the property located at 7220 W. 138th Place.

Mr. Gatto reported that they are working on the house and there is progress.

4. 6425 W. 141st – Ward

Mr. Sharpe stated the next Update Item was for the property located at 6425 W. 141st.

Mr. Gatto advised the owner currently is trying to decide whether to keep the property or sell it. If he is going to use the foundation, it needs repaired for sure. Mr. Deutmeyer asked if this is the property that only has a foundation. The Board confirmed it was.

Mr. Deutmeyer advised it should have fencing around the foundation on the property. Mr. Gatto responded that he put snow fencing around the foundation and showed Mr. Gatto pictures of the same. Mr. Gatto stopped by the property before the last meeting to verify that it was there. It is secured but we need him to do something.

Ms. Schieben commented perhaps we should request that he come to the next meeting. Mr. Gatto agreed that should be ample time for him to have come to a decision.

Mr. Sharpe asked for the owner to be contacted to be present at the next meeting to discuss the property.

Bird Property

Mr. Deutmeyer provided an update on the Bird property. They filed a Brief in late March; Bird failed to file a response by the deadline in late April; nobody has appeared or requested an extension. Under Appellate Rules, they are now precluded from filing a Brief. When that happens, the Court of Appeals will issue its opinion based upon the evidence and what we have put in front of it. Based upon how the Court of Appeals has been operating, he anticipates that an Order is probably forthcoming in the next 45-60 days.

PUBLIC COMMENT: Mr. Sharpe opened the floor for public comment.

ADJOURNMENT: Mr. Sharpe adjourned the meeting at 6:37 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 May 18, 2022, Public Meeting