



**CEDAR LAKE UNSAFE BUILDING DEPARTMENT MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
June 15, 2022, at 6:00 PM**

CALL TO ORDER:

Mr. Sharpe called the Unsafe Building Department meeting to Order at 6:02 PM on Wednesday, June 15, 2022, with its members attending on-site. The Pledge of Allegiance was recited by all.

ROLL CALL:

Members Present: Colleen Schieben (arrived at 6:08 pm); Dennis Wilkening, Vice Chairman; 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: None.

MINUTES:

Mr. Sharpe entertained a motion to approve the Minutes of May 18, 2022, Meeting. A motion was made by Mr. Wilkening and seconded by Mr. Sharpe to approve the same. The motion passed unanimously by roll call vote:

Mr. Wilkening 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 and indicated this item was deferred to the July 20, 2022, meeting.

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. A motion had been made at the last meeting to begin the Demolition Order for this property and asked if there was anyone present on behalf of this property.

Ms. Courtney Sweat, Attorney of Record, stated she was present on behalf of the homeowner. She had talked with Mr. Salatas earlier in the day and was advised to appear via Zoom to request a continuance.

She has submitted a Public Records Request to obtain the Public Records for this property to review, which she has not received yet, but has received a Notice the request has been received and is being processed.

Ms. Sweat advised she is present to request a continuance from the Board.

Mr. Sharpe asked Ms. Sweat for clarification if the request for the continuance is so the garage in which the owner is living in is not demolished. Ms. Sweat stated she could not comment on if the homeowner was or was not living in the garage. Mr. Sharpe advised there have been reports of her living in the garage. Mr. Richard Kuiper stated he has seen her there every night this past week and has photographs of the same. Inaudible discussion with multiple speakers speaking simultaneously ensued.

Ms. Schieben arrived at 6:08 PM.

Mr. Deutmeyer advised tonight's meeting was the consideration of the original Demolition Order, which had been Ordered on May 18, 2022. This Order stated the property owner was to demolish the property or to appear at the next meeting to provide testimony for rectifying the situation.

Mr. Deutmeyer asked Ms. Sweat what the intentions of Ms. Graves are and if she was going to repair the situation. Ms. Sweat responded Ms. Graves is currently in the process of attempting to sell the property and has been working with real estate agents. At this time, she is unaware of the intention of the individual looking at purchasing the property.

Ms. Sweat discussed on the Demolition Order there are two Tax IDs listed and one of the Tax IDs has gone up for tax sale and is currently in a reduction process. The Notice does not indicate if this individual was notified, as well.

Mr. Deutmeyer asked Ms. Sweat if she was representing that individual as well. Ms. Sweats responded in the negative and indicated she believed it to be relevant to the case. Mr. Deutmeyer asked if the Tax ID number being referenced was the property where the home used to exist. Ms. Sweat stated she is not certain, and the only documentation she has is the Order of Demolition. The Order of Demolition claims the property owner was to be given an Unsafe Building Report which was not provided, so she does not know the details of the Unsafe building.

Mr. Deutmeyer asked Ms. Sweat with the month continuance she is requesting, what is she hoping to accomplish by the next meeting. Ms. Sweat responded the first item she would like to identify is if her client has been provided proper Notice. To her knowledge, the only Notice the owner has received is the Order of Demolition. If the continuance was granted, her client has extenuating circumstances which could be provided as evidence at the next meeting. She is present to protect her client's due process and to attempt to prevent the property from being stripped from the client.

Mr. Deutmeyer stated for clarification Ms. Graves would not be stripped of the property, it would be a demolition of the building. He suggests if a continuance is granted, her client be advised she is not allowed to live in the garage.

Mr. Kuiper stated he has called the police to the property multiple times regarding Ms. Graves living in the garage, and she will not respond to officers. He has photographs of her staying on the property all night. She has been living in the garage since October 2021.

Mr. Deutmeyer noted there had previously been a portion of the property sold at tax sale a few years ago and the Title Commitment returned from Fidelity National Title did not reveal the existence of the tax sale purchaser or any other parties than those listed.

Mr. Sharpe asked if they were able to proceed with the Demolition Order. Mr. Deutmeyer advised it was a decision of the Board, the attorney representing Ms. Graves has requested a continuance. He understands Ms. Sweat's concerns with her client's interest in the property. If the Board were to grant the continuance, his recommendation is to advise Ms. Sweat to inform her client that she cannot live in the garage.

Mr. Sharpe asked the Board what their pleasure was. Ms. Schieben responded she would like to move forward with the Demolition Order. Ms. Sweat noted her objections for the refusal of the continuance and advised she will be pursuing this into the trial courts.

Ms. Schieben noted the garage was supposed to have been demolished when the house was demolished.

Ms. Sweat stated she understood there had been a previous Demolition Order for the house and the garage was supposed to be demolished at the same time, but due to some form of oversight, was not demolished at that time. Her concern is that Ms. Graves having health issues, including being placed under guardianship and being removed from her home has been noted by both the Board and the Town Attorney Her house was demolished without Notice of those proceedings being provided to Ms. Graves. The Order of Demolition for the garage is the first notice Ms. Graves claimed that she has ever been provided.

Ms. Sweat asked the Board to consider this situation as if they were in Ms. Graves' shoes and to consider the addition for a month to allow for the records to be received. If by the time the next meeting occurs the demolition proceeds, the only difference is the timeline of the demolition. She is pleading with the Board to allow for the additional month.

Mr. Sharpe commented it would mean something to the Board and to the neighbor who has been present every month. Ms. Sweat commented while the site may not be pretty, there is a difference between having to deal with someone on their own property or demolishing someone's house or garage. She feels if the neighbor has waited for a couple of years, he can wait for another month. She respects his frustrations. However, he is not the one with his rights being taken away.

Mr. Deutmeyer advised while Ms. Sweat had not been involved in the original demolition, the Town had knowledge of the VASIA Program being involved in the care of Ms. Graves. All Notices at that time were sent to the addresses of record; they had also been sent to the Indiana Medicaid and VASIA Program. They had even notified Ms. Graves' brother.

Ms. Sweat noted Ms. Graves has had the guardianship terminated due to the guardians not fulfilling their duties. She has already advised the Board tonight those guardians had not provided the Notices to her client. It is alarming to her that the Board is still deeming it okay to demolish the property without giving her an extra month. If the Board is wanting to proceed, they will take it to the courts and allow a judge to decide.

Mr. Deutmeyer commented there are two options the Board could take. The first is to proceed with the Order of Demolition, and then the property owner's attorney has the right to appeal the Order, which could take approximately 30 days. Dependent upon when the Order is filed, theoretically the process could be extended. The Town could not move forward until the courts make their determination. The second is granting the continuance. The initial Demolition Order has been acted upon which requires the property owner to demolish the property or provide evidence as to the intentions of repair. He advises if the continuance is granted, it is for a strict one-month continuance.

A motion was made by Ms. Schieben and seconded by Mr. Wilkening to continue with the demolition proceedings. Motion passed unanimously by roll-call vote:

Ms. Schieben Aye
Mr. Wilkening Aye
Mr. Sharpe Aye

Mr. Deutmeyer advised he did have the final Demolition Order and will provide the same to Mr. Gatto for signature and proper posting.

Ms. Sweat provided her contact information to Mr. Deutmeyer to be provided a copy of the Order.

Mr. Kuiper asked if they would be able to prevent Ms. Graves from living in the garage with the building being deemed unsafe. Mr. Deutmeyer responded the only time they would be able to remove Ms. Graves from the property would be when the timeframe of the Order has passed and then court proceedings will be initiated to remove her from the property. Discussion ensued.

Mr. Deutmeyer advised Mr. Kuiper the purview of the Board is to evaluate the properties brought forth and determine if they are unsafe. While Ms. Graves living in the garage is an issue, it is not a purview of the Board. Mr. Kuiper asked whose purview it would fall under. Mr. Deutmeyer advised it would need to be handled by the Town, which would need to come from a court filing to have Ms. Graves removed to execute the Demolition 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.

Ms. Lauren Vogl advised they have hired a contractor who has pulled permits earlier in the week to demolish the garages. The contractor submitted the permits and has been advised it would be 10 days before he is allowed to begin. Mr. Gatto advised the permit is on his desk and he was waiting for the Unsafe Meeting to ask the Board the term of time for the permit.

Mr. Sharpe asked the Board what their pleasure was for the timeline for the permit. Ms. Schieben responded she felt 30 days would be sufficient. Mr. Gatto advised he would process the permit the next day and the contractor could pick it up any day afterward.

A motion was made by Ms. Schieben and seconded by Mr. Wilkening to continue this item to the July meeting. Motion passed unanimously by roll-call vote:

Ms. Schieben Aye
Mr. Wilkening 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 and commented they had been looking at finding the potential new owners.

Mr. Gatto stated he had been advised the deal for the selling of the property fell through, and the current owner left a voicemail for the Code Enforcement Officer he was attempting to clean up the property to sell it. He is unsure on where it is at in that process.

Mr. Sharpe asked when that communication had been received. Mr. Gatto responded on May 19, 2022, he was forwarded the voicemail from the Code Enforcement Officer.

A motion was made by Ms. Schieben and seconded by Mr. Wilkening to have the property owner appear at the July Unsafe Meeting. Motion passed unanimously by roll-call vote:

Ms. Schieben Aye
Mr. Wilkening 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. Patrick Wease and Mr. David R. Dargo, the Owner's representation, were present for this property.

Mr. Wease stated he had been advised the property was on the Unsafe Agenda and went to the property. He secured the property, mowed the grass, and they are currently in the process of transferring the deed over to his name. There had been an ordeal where a neighbor attempted to Quit Claim Deed the property, and the process to get the property into his name has been going for about a year in the courts.

Mr. Dargo advised the property is currently an unsupervised estate. They are going through the process of changing the deed of the property and commented on the work Mr. Wease has done to secure the property.

Mr. Sharpe asked whose name the property was currently listed under. Mr. Wease advised currently his father is listed as the owner of the property.

Mr. Deutmeyer asked if there are any other beneficiaries that would require negotiations. Mr. Wease responded in the negative. Mr. Deutmeyer asked how quickly they anticipate the title changed. Mr. Dargo advised they are anticipating within the next 120 to 180 days. They are currently waiting on confirmation from the courts pursuant to some of the deeds filed.

Mr. Wilkening asked once the property was in Mr. Wease's name, what his plans were. Mr. Wease stated the plan was to either tear the house down and sell the property or clean it up and sell it as is.

Mr. Deutmeyer asked Mr. Gatto what his concerns with the property were. Mr. Gatto advised his main concern was how open the property was when he went to the property. There are no buildings near the property that if it were to fall it would pose a threat to. The major concern had been the disrepair of the property.

Ms. Schieben asked Mr. Deutmeyer if he had any legal advice. Mr. Deutmeyer advised if the major concerns are addressed and to have the property owner come back to the Unsafe Board if the intention is to provide more time. Mr. Wease discussed how he secured and cleaned up the property. Mr. Dargo advised photographs were sent to Ms. A. Abernathy prior to the meeting. Mr. Salatas advised the photographs were received.

A motion was made by Ms. Schieben and seconded by Mr. Wilkening for this item to be deferred to the August 17, 2022, Unsafe Meeting. Motion passed unanimously by roll-call vote:

Ms. Schieben Aye
Mr. Wilkening 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 and there has been an Unsafe Report completed for this property.

Mr. Salatas stated if this is a property the Board would like to pursue, he recommends having the property owners present.

Mr. Deutmeyer asked the Board how quickly they would want to move on this property. Mr. Salatas responded there have been numerous individuals and organizations reaching out talking about purchasing the property. As such, he does not believe the property owner will be intent on repairs.

Mr. Deutmeyer advised the Board they can request the property owner to appear, and if it was their pleasure, they could order the title work.

A motion was made by Ms. Schieben and seconded by Mr. Wilkening to begin the process of the Demolition Order and to obtain the title work. Motion passed unanimously by roll-call vote:

Ms. Schieben Aye
Mr. Wilkening 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. Sharpe commented they have received the first Unsafe Report for this property.

A motion was made by Ms. Schieben and seconded by Mr. Wilkening to begin the title work for this property. Motion passed unanimously by roll-call vote:

Ms. Schieben Aye
Mr. Wilkening Aye
Mr. Sharpe Aye

5. 9320 W 142nd Avenue – Midland Trust Company as Custodian fbo Pamela Broadway Account #1716575

Mr. Sharpe stated the fifth property under Possible Unsafe was for the property located in the vicinity of 9320 West 142nd Avenue.

Ms. Keri McCoole, **9301 W 142nd Avenue**, stated she is a neighbor to this property.

Mr. Gatto advised there is not currently a report on this property. Mr. Sharpe advised an Unsafe Report will be obtained and they will review this property next month. Mr. Gatto advised this property will qualify as an Unsafe Building. However, the report will still need to be made. He does not believe anyone is living there.

A motion was made by Ms. Schieben and seconded by Mr. Wilkening to defer this item to the next Unsafe Agenda. Motion passed unanimously by roll-call vote:

Ms. Schieben Aye
Mr. Wilkening Aye
Mr. Sharpe Aye

6. 14407 Fairbanks – Prairie Oak Holdings LLC

Mr. Sharpe stated the sixth order of Possible Unsafe was for the property located in the vicinity of 14007 Fairbanks and asked if this was a new report. Mr. Gatto responded in the affirmative and advised there was work being done at the property with no permit received, and the house has been lifted with a foundation attempting to be illegally placed under the property.

Mr. Sharpe asked if the property was unsafe. Mr. Gatto responded in the affirmative.

A motion was made by Ms. Schieben and seconded by Mr. Wilkening to order the title work for this property. Motion passed unanimously by roll-call vote:

Ms. Schieben Aye
Mr. Wilkening Aye
Mr. Sharpe Aye

Mr. Deutmeyer advised sending notices to all those who title work is being ordered on for proper notification.

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. Gatto advised he has received a permit from the owner. He is going to begin working on the exterior to make the property presentable. There will then be determination made for the rest of the property. It is in a condition to be made livable.

Mr. Sharpe stated to have the owner present for an update at the August Unsafe Meeting.

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.

Mr. Anthony DeVries thanked the Board for allowing his representative, Ms. Stephani Nydam, to be present the month prior. When they first purchased this property in tax sale, they had plans to reconstruct the house. Since they received the deed, they cleaned the property out and observed the foundation is in greater disrepair than initially anticipated. They have had a couple foundation companies out for estimates, one did not provide an estimate. The other gave a quote of around \$30,000.

Mr. DeVries advised they are currently working on finalizing the numbers to even evaluate if this property is worth renovating. The property is not listed on the market or was not listed. However, at this junction, he is looking at potentially partnering with a builder. Mr. DeVries requested having an extra month for continuance.

Mr. Sharpe advised they could provide the 30 days, but an answer would need to be provided.

Mr. DeVries asked if the Town would be opposed to him partnering with a builder or selling to a reputable builder. Mr. Sharpe advised if this plan were to occur, the builder would need to start immediately.

Mr. Deutmeyer asked if there was an Unsafe Report on this property. Mr. Gatto advised there is, but the report would be old and would pre-date him working as the Unsafe Inspector. Mr. Deutmeyer asked Mr. Gatto to update the Unsafe Building Report. Mr. Gatto 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 there is an active permit on this property, and the owners are making progress in the work.

4. 6425 W. 141st – Ward

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

Mr. Michael Ward commented he was not certain why they were back in front of the Board because the last meeting he attended, he thought it was okay to leave while they determined what they were going to do with the property.

Mr. Gatto advised when the fence was first put it was only a temporary solution. Mr. Sharpe asked what the plan was for this property. Mr. Ward advised he was going to start filling in the foundation with dirt. If they decide to build with the foundation, they will dig the foundation out.

Mr. Sharpe asked Mr. Gatto if they would need a Building Permit. Mr. Gatto responded in the negative and stated the question would be the length of time given to fill the property in. Mr. Ward commented he would be having a pool center providing the dirt to fill in the foundation. Inaudible discussion with multiple speakers speaking simultaneously ensued.

Mr. Sharpe asked if there was a long-range plan for the property. Mr. Ward commented he had intended on building. However, it is not currently seeming like a feasible option. There is a potential they will sell the property and have interest from individuals wanting to buy the property.

Ms. Ward inquired on what she would need to do to stop receiving a sewer bill. Mr. Sharpe and Mr. Salatas advised her to contact the sewer department. Mr. Gatto advised the sewer would have to be removed to the road in order to stop the sewer bill. If the sewer is kept active, then if there is a potential rebuild in the future, a sewer tap fee would not need to be paid.

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

Mr. Jerry Wilkening, **10826 W 131st Avenue**, inquired on how long the property owner for 7020 West 139th Place had been the owner. Mr. Deutmeyer advised they had begun the tax sale purchase in November and they received the deed in February or March.

Mr. Wilkening asked if this was a property that had been on the Unsafe Building list that had been re-added. Mr. Deutmeyer responded in the negative and advised it was already on the Unsafe Building List. Notification had been delivered about it being on the tax sale list.

Mr. Wilkening asked when a building is on the Unsafe Building List and a new owner obtains the property, how long does the Unsafe Board give the new owner before they continue their process. Mr. Deutmeyer responded when an ownership transfer has occurred, typically notification is sent to the new property owner to appear before the Board. If the Board is not notified, they can continue with their issuances of demolition orders and the like. This is dependent on the property and the receptiveness of the new owner.

ADJOURNMENT: Mr. Sharpe adjourned the meeting at 7:07 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 June 15, 2022, Public Meeting