



CEDAR LAKE UNSAFE BUILDING DEPARTMENT MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
July 20, 2022, at 6:00 PM

CALL TO ORDER:

Mr. Sharpe called the Unsafe Building Department meeting to Order at 6:00 PM on Wednesday, July 20, 2022, 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. A quorum was attained.

Also Present: Ryan Deutmeyer, Town Attorney; David Austgen, Town Attorney; Chris Salatas, Town Manager; Tony Gatto, Building Inspector; and Ashley Abernathy, Recording Secretary.

Absent: None.

MINUTES:

Mr. Sharpe entertained a motion to approve the Minutes of June 15, 2022, Meeting. A motion was made by Mr. Wilkening and seconded by Ms. Schieben to approve the same. The motion passed unanimously by roll call vote:

Ms. Schieben Aye

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.

Mr. James Ramsey advised the Board that he obtained his Building Permit and will begin work on repairing the garage.

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Mr. Ramsey asked Mr. Gatto if it was permissible if he ran OSB over the planks on the roof. Mr. Gatto responded it would be allowable on the roof, as long as the rafters are not rotted. However, sheeting and planking cannot be placed over rotting wood.

Mr. Ramsey asked if he needed ice shielding on the garage due to the fact it is not a building someone could live in. Mr. Gatto advised due to the building being an accessory structure, it would be okay without the ice shielding.

Mr. Sharpe asked when Mr. Ramsey intended to begin working on the structure. Mr. Ramsey stated he intends to start work on the structure the next day.

Mr. Gatto advised the permit was set for 90 days.

Mr. Ramsey asked if he could remove the old wood siding and replace it with new wood siding, or would it need to be OSB. Mr. Gatto asked Mr. Ramsey to clarify what style of wood siding he was looking at. Mr. Ramsey stated a standard wood siding. Mr. Gatto stated if it is horizontal slabs, it will need OSB sheeting.

Mr. Sharpe requested Mr. Ramsey to report back within 60 days to provide an update to the Board. Mr. Ramsey agreed to the same.

A motion was made by Ms. Schieben and seconded by Mr. Wilkening to move this item to an Update Item and for the Owner to show back up at the September 21, 2022, Meeting. Motion passed unanimously by roll-call vote:

Ms. Schieben Aye

Mr. Wilkening 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. Deutmeyer advised he has the Final Demolition Order prepared and ready for Mr. Gatto's signature. It is likely this will become part of a review of judicial proceedings. His recommendation to the Board is after the final order is signed waiting 31 days to execute the order to allow for the 30-day period in which a judicial review could be filed.

Mr. Deutmeyer stated while the Final Demolition Order had not been filed, shortly after the June Unsafe Meeting, Ms. Graves via her attorney has filed a lawsuit against the Town. Mr. Deutmeyer discussed the complaint filed with the lawsuit and a complaint filed with the Public Access Counselor.

Mr. Deutmeyer noted a claim had been made by Ms. Sweat that Ms. Graves had not been provided a copy of the Unsafe Report and stated they typically include the Unsafe Report with the Demolition Order. Mr. Deutmeyer requested Mr. Gatto when posting the Final Demolition Order to post the Initial Demolition Order and the Unsafe Building Report, and provide copies to him. Mr. Gatto agreed to the same.

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Mr. Deutmeyer advised there are an additional two entities being included in their notices that they have become aware of due to their purchasing in tax sale. The first one has received the deed from tax sale and owns the strip that did not have the house or the garage. The second parcel is currently in the redemption period which he anticipates ending in September. Thus, it is not likely the Town will recuperate any funds from the demolition of the structure.

Mr. Sharpe inquired if the lawsuit has been filed in any courtroom. Mr. Deutmeyer responded the petition had originally been filed in Judge Parent's courtroom. They have filed for a change of venue from the judge, which has been granted.

Mr. Austgen advised there should be no further public discussions for this Unsafe Property due to the current and pending lawsuits.

A motion was made by Ms. Schieben and seconded by Mr. Wilkening to move this item to an Update Item. Motion passed unanimously by roll-call vote:

Ms. Schieben Aye

Mr. Wilkening Aye

Mr. Sharpe Aye

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. Gatto advised the Board a Building Permit was pulled for the demolition of the structure, and on Monday the structure was already halfway demolished.

A motion was made by Ms. Schieben and seconded by Mr. Wilkening to move this item to an Update Item. Motion passed unanimously by roll-call vote:

Ms. Schieben Aye

Mr. Wilkening Aye

Mr. Sharpe Aye

4. 7120 W 132nd Place – Kubal

Mr. Sharpe stated the next order of business 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. Gary Kubal was present via Zoom; however, was unable to communicate due to issues with his microphone.

Ms. Abernathy advised the Board Mr. Kubal had been at Town Hall the week prior and advised he was under contract to sell the property. They are anticipated to close on the property on July 22nd.

Mr. Salatas advised leaving the property on the agenda and deferring it to the August meeting.

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

Ms. Schieben Aye

Mr. Wilkening Aye

Mr. Sharpe Aye

5. 8120 Lake Shore Drive –Schane’s Bar & Grill

Mr. Sharpe stated the next order of business 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 advised he has a had conversations with three different individuals who were interested in purchasing the property and what could be done with the property. Currently, Lake County GIS shows the property is still owned by the original owner. He has received reports the original owner is in poor health and no contact has been able to be made. Mr. Austgen asked Mr. Salatas if the original owner is Mr. Bobby Schane. Mr. Salatas responded in the affirmative.

Mr. Deutmeyer stated he had obtained the Title Work for the property. The only unexpected entity listed on the Title Work had been DeMotte State Bank, and they are listed due to the mortgage interest in the property. Mr. Deutmeyer advised proceeding with the issuance of the Order for Demolition.

A motion was made by Ms. Schieben and seconded by Mr. Wilkening to issue the initial Demolition Order. Motion passed unanimously by roll-call vote:

Ms. Schieben Aye

Mr. Wilkening Aye

Mr. Sharpe Aye

6. 13716 Birch Street -- Blanton

Mr. Sharpe stated the next order of business 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.

Ms. Abernathy advised Mr. Blanton reached out to her earlier in the day and advised he was unable to attend due to caring for an ill family member. Mr. Blanton has intentions of fixing up the house to either rent or sell the property and has plans of starting around September.

Mr. Sharpe asked if there were any active permits for the property. Mr. Gatto advised there were none.

Mr. Deutmeyer advised if the Board is wanting to have the owner show up next month to send notification via Certified Mail.

A motion was made by Ms. Schieben and seconded by Mr. Wilkening to defer this item to the August Meeting, with the Owner to appear at the August meeting. Motion passed unanimously by roll-call vote:

Ms. Schieben Aye

Mr. Wilkening Aye

Mr. Sharpe Aye

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Mr. Deutmeyer stated they have received the Title Work back for this property, and they have the Demolition Order prepared if that is the direction of the Board at a later time.

7. 14407 Fairbanks – Prairie Oak Holdings LLC

Mr. Sharpe stated the next order of business was for the property located in the vicinity of 14007 Fairbanks.

Ms. Abernathy advised she had mailed them Certified Mail requesting their presence at the meeting, and received the green mailing card back. However, no communication was received regarding this property.

Mr. Deutmeyer commented the Title Work revealed this property has been transferred three times within the past 18 months and discussed the previous owners listed on the Title Work. They have the Demolition Order prepared to be sent to the property owner.

Ms. Schieben asked for clarification that no Building Permits had been issued for this property. Mr. Deutmeyer stated that was his understanding.

A motion was made by Ms. Schieben and seconded by Mr. Wilkening to issue the initial Demolition Order. Motion passed unanimously by roll-call vote:

Ms. Schieben Aye

Mr. Wilkening Aye

Mr. Sharpe Aye

Possible Unsafe:

**1. 9320 W 142nd Avenue – Midland Trust Company as Custodian fbo Pamela Broadway
Account #1716575**

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

Mr. Sharpe asked if there has been Title Work completed for this property. Mr. Deutmeyer responded in the negative and stated this is a new Unsafe Agenda item.

Mr. Gatto discussed the Unsafe Report and the photographs included within. Originally, there was a complaint received regarding the garage. There had been some unauthorized work with no Building Permit back in 2019 or 2020, which Mr. Kubiak put a Stop Work Order on.

Mr. Deutmeyer advised the Board members, they could order the Title Work as the first step in the process for the Unsafe process.

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

Ms. Schieben Aye

Mr. Wilkening Aye

Mr. Sharpe Aye

2. 7109 W 128th Avenue – Luigi Cagnina

Mr. Sharpe stated the second property under Possible Unsafe was for the property located in the vicinity of 7109 West 128th Avenue.

Mr. Gatto advised himself and Mr. Kubiak had to stop by the property next to this one, and this property needed to be reviewed. He evaluated the property and found that the ceiling has collapsed and insulation is falling down.

A motion was made by Ms. Schieben and seconded by Mr. Wilkening to have an Unsafe Report conducted for this property and for the Property Owner to appear at the meeting next month. Motion passed unanimously by roll-call vote:

Ms. Schieben Aye

Mr. Wilkening Aye

Mr. Sharpe Aye

3. 12901 Hilltop – Lomberger

Mr. Sharpe stated the third property under Possible Unsafe was for the property located in the vicinity of 12901 Hilltop.

Mr. Gatto advised this property is located on 129th Avenue and Hilltop. The owner had obtained a Building Permit in August 2021. Since he has obtained the Building Permit, no work has been done to the property. It has been noted the permit will not be renewed.

Ms. Schieben inquired on when the Building Permit would expire. Mr. Gatto stated it will expire in August.

Mr. Austgen asked for clarification on if this property had already had a Demolition Order. If there had been a previous Demolition order, it was possible to accelerate the Unsafe process.

Mr. Sharpe asked Ms. Abernathy to research if this property had been an Unsafe Agenda item previously. Ms. Abernathy agreed to the same.

Discussion ensued regarding various houses on Hilltop that have been reviewed for Unsafe properties.

A motion was made by Ms. Schieben and seconded by Mr. Wilkening to have an Unsafe Report conducted for this property and for the Property Owner to appear at the meeting next month. Motion passed unanimously by roll-call vote:

Ms. Schieben Aye

Mr. Wilkening 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. Gatto advised the Owner has received a Building Permit to begin doing renovations on the outside of the property. However, no work has begun at this time.

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. Sharpe asked if there was anyone online for this item. Ms. Abernathy responded in the negative.

Mr. Deutmeyer inquired if the main issue with this house was a structural issue. Mr. Gatto stated there had been a fire, so none of the above ground structure is in good repair and the foundation is not in good order.

Mr. Sharpe asked if the intention had been to sell the property or fix it up. Mr. Salatas responded they were attempting to determine their next course of action.

Mr. Deutmeyer advised the Board if they would like to proceed with this property, the best course of action would be to update the Title Work and he could prepare the initial Demolition Order.

A motion was made by Ms. Schieben and seconded by Mr. Wilkening to move this item back to an action item on the agenda, for an updated Title Work to be conducted, and the initial Demolition Order prepared. Motion passed unanimously by roll-call vote:

Ms. Schieben Aye

Mr. Wilkening Aye

Mr. Sharpe Aye

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. Gatto advised the property owner has begun filling in the foundation, and they still have the snow fence posted around the foundation. He will look at the property before the next meeting to ensure they are still working on the property.

PUBLIC COMMENT: Ms. Schieben stated she had a couple of houses needing to be looked at, and would provide the mailing addresses of the same to Mr. Gatto.

Mr. Deutmeyer advised they received an Order back from the Court of Appeals affirming Judge Parent's Order regarding the Bird Property. The options available to file a Petition to Transfer to the US Supreme Court, which is the last possible of route of recourse. The second option is if there was no improvement completed at the property and it is still unsafe to begin the Unsafe Building process over. Their legal advice is to have Mr. Gatto conduct another review of the property. If it is still Unsafe and no improvements complete, create an Unsafe Report, and go through the Unsafe process.

Ms. Schieben asked if a motion needed to be made to have Mr. Gatto conduct a new Unsafe Report. Mr. Deutmeyer responded at this time, they are looking for direction from the Board due to the amount of time left to file the Petition to Transfer or to direct Mr. Gatto to conduct a new Unsafe Report.

It was determined to have the Bird property as an Update Item on the next Unsafe Agenda and for Mr. Gatto to create a new Unsafe Report.

ADJOURNMENT: Mr. Sharpe adjourned the meeting at 6:40 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 July 20, 2022, Public Meeting