



CEDAR LAKE UNSAFE BUILDING DEPARTMENT MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
March 15, 2023, at 6:00 PM

CALL TO ORDER:

Ms. Schieben called the Unsafe Building Department meeting to Order at 6:00 PM on Wednesday, March 15, 2023 with its members attending on-site. The Pledge of Allegiance was recited by all.

ROLL CALL:

Members Present: Colleen Schieben, Chairwoman; Heather Dessauer, Vice Chairwoman; and Jim Hunley. A quorum was attained.

Also Present: Ryan Deutmeyer, Town Attorney; Tony Gatto, Building Inspector; Chris Salatas, Town Manager; David Austgen, Town Attorney; Ashley Abernathy, Planning Director; and Cheryl Hajduk, Recording Secretary. **Absent: none**

Minutes

Ms. Schieben entertained a motion for the February 15, 2023 Unsafe Building Minutes; a motion was made by Ms. Dessauer and seconded by Mr. Hunley to approve the same. Motion passed unanimously by roll-call vote:

Mr. Hunley	Aye
Ms. Dessauer	Aye
Ms. Schieben	Aye

Action Item:

1. Change Meeting Time – Change Meeting Time to 5:30 PM

Ms. Schieben entertained a motion to change the meeting time to 5:30 pm; a motion was made by Ms. Dessauer and seconded by Mr. Hunley to approve the same. Motion passed unanimously by roll-call vote:

Mr. Hunley	Aye
Ms. Dessauer	Aye
Ms. Schieben	Aye

March 15, 2023

Active Unsafe:

1. 13716 Birch Street – Blanton

Ms. Schieben stated the next order of business is for the property located in the vicinity of 13716 Birch Street.

Mr. Roger Blanton, 16152 Wicker, Lowell, IN, stated they are continuing to clear the debris on the property and will be tearing down a shed.

Ms. Abernathy stated we have been giving an extension for 30 days for the last couple of months and with him showing progress, would the Board be amenable giving a 60-day extension. Ms. Dessauer responded in the affirmative.

A motion was made by Ms. Dessauer and seconded by Mr. Hunley to extend for 60 days with a progress report. Motion passed unanimously by roll-call vote:

Mr. Hunley Aye

Ms. Dessauer Aye

Ms. Schieben Aye

2. 9320 W 142nd Avenue – Midland Trust Company as Custodian fbo Pamela Broadway Account #1716575

Ms. Schieben stated the next order of business is for the property located in the vicinity of 9320 W. 142nd Avenue.

Ms. Pamela Broadway, 17144 Point Drive, Orland Park, IL present via zoom, stated she is going to sell the property because of contractor issues and not being able to meet the Board's deadlines. She signed a sales contract and is expected to close in a week.

Ms. Schieben asked if this should have been submitted to the Board. Mr. Deutmeyer asked Ms. Broadway if she notified the buyer of these proceedings. Ms. Broadway commented she has been in contact with the administrative person and stated it is an investor from New York and that the investor has done his due diligence.

Mr. Deutmeyer asked Ms. Broadway after she closes on the property, can she provide the Town with the contact information of the buyer. Ms. Broadway responded in the affirmative. Mr. Deutmeyer stated he will be notified that this property is on the Unsafe List and to appear at the next meeting. Ms. Abernathy stated the information of the investor can be emailed to her so she can send out proper notification.

Ms. Schieben asked if Ms. Broadway is still the owner at the end of March, should she attend the next Unsafe Meeting. Mr. Deutmeyer responded in the affirmative. We have run Title on this property and we have prepared a specimen Demolition Order before she appeared and we will have to update this Order if there is a new owner. Ms. Schieben commented if we do not have proof that the property sold, Ms. Broadway will need to come back at the next meeting.

March 15, 2023

A motion was made by Mr. Hunley and seconded by Ms. Dessauer to defer this to the April 19, 2023 meeting. Motion passed unanimously by roll-call vote:

Mr. Hunley Aye

Ms. Dessauer Aye

Ms. Schieben Aye

3. 7109 W 128th Ave – Cagnina

Ms. Schieben stated the next order of business is for the property located in the vicinity of 7109 W. 128th Avenue.

Mr. Luigi Cagnina, 7109 W. 128th Avenue, Cedar Lake, IN, and Mr. Roger Hayward, 6127 W. 145th, Cedar Lake, IN handed out a draft scope of work to the Board and stated the inspection was done and everything looks good. The permit process will be next. We would like to get 7105 W. 128th Avenue on the agenda also. Mr. Gatto stated this property was on the unsafe list in the past, but has been inactive. If they are willing to work on it now, it will be ok to work with the Building Department on getting permits. Discussion ensued regarding getting permits and a possible completion date.

A motion was made by Ms. Dessauer and seconded by Mr. Hunley to extend for 60 days with a Progress Report and the Building Department to issue a six-month permit. Motion passed unanimously by roll-call vote:

Mr. Hunley Aye

Ms. Dessauer Aye

Ms. Schieben Aye

Potential Unsafe Items:

1. 12611 Cline Avenue – Kubiak Properties Inc

Ms. Schieben stated the next order of business is for the property located in the vicinity 12611 Cline Avenue.

Ms. Schieben commented nothing has been done with this property in two years, we should re-visit this property. Mr. Deutmeyer stated to have the owner appear and discuss what is going on with the property. Ms. Abernathy commented we would require an updated Unsafe Report.

Mr. Deutmeyer commented we ran Title on this property long ago. We would need to update Title.

A motion was made by Mr. Hunley and seconded by Ms. Dessauer for a new updated Unsafe Report and defer to next month and notify property owner to appear. Motion passed unanimously by roll-call vote:

Mr. Hunley Aye

Ms. Dessauer Aye

Ms. Schieben Aye

March 15, 2023

2. 13013 Knight Street – Kubiak Properties Inc

Ms. Schieben stated the next order of business is for the property located in the vicinity 13013 Knight Street.

Mr. Deutmeyer stated the report states this property is unsafe. Ms. Schieben commented this should be moved to the Unsafe List and the owner needs to be notified.

Mr. Deutmeyer asked do we want to run Title. Mr. Hunley stated we can wait to see what their intentions are. Ms. Abernathy commented this is the first time this has been on the Potential Unsafe List.

A motion was made by Mr. Hunley and seconded by Ms. Dessauer to have the owner appear at the next meeting and give an update on this property. Motion passed unanimously by roll-call vote:

Mr. Hunley Aye

Ms. Dessauer Aye

Ms. Schieben Aye

Update Items:

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

Ms. Abernathy stated she would like to remove this from update items until the property finishes its closing and then give an update after closing. It is going through tax sale.

2. 7220 W. 138th Place – Leonhardt

Ms. Abernathy stated they are continuing with progress.

3. 7120 W. 132nd Place – Rincon (Formerly Kubal)

Mr. Gatto commented they are at the drywall stage.

4. 8120 Lake Shore Drive – Schane's Bar & Grill

Mr. Joe Lopez, 8120 Lake Shore Drive, Cedar Lake, IN, and Samuel Leonhart, 8120 Lake Shore Drive, Cedar Lake, IN, stated the structure is good, and the building is cleaned out. We hired a company to give us a Concept Plan. Our goal is to be at the next Plan Commission meeting in April.

5. 8816 W. 141st Avenue – Bird

Mr. Deutmeyer stated there are still people living on the property. We have a Verified Complaint for an Injunctive Relief to ask the Court to have them removed from the property and to bar them from entering the property.

6. 12901 Hilltop – Lomberger

7. 6599 Fernwood – Mogan

8. 14021 Windsor Street – Mogan

9. 7020 W 139th Place – Land Bank Builders & Associates, Inc. (Formerly INACQ, LLC)

10. 7109 W 146th Avenue – Heavner

Ms. Abernathy stated she provided all five of these properties to Mr. Tim Kubiak to take a look at to determine which house needs to be torn down first on the list, making sure that all utilities are disconnected and hopefully by next month's meeting one of the houses are down.

11. 7424 W. 140th Place – Graves

Mr. Deutmeyer stated the tax sale process is coming to a conclusion. The Tax Deed has been issued to the new tax sale purchaser. Ms. Graves no longer owns the property and the litigation is still ongoing. We are preparing to file appropriate motions in that case to have the litigation terminated, but the attorney or the tax sale buyer should instruct his client to appear at the meeting next month with a plan or a demolition plan.

PUBLIC COMMENT:

Ms. Dessauer asked do we start over with the 9320 W. 142nd Avenue property. Mr. Deutmeyer stated we have not issued the Order yet and if the new ownership occurs, we will notify the new owner for them to appear and to provide a plan and if they fail to appear, my suggestion is to move forward with the Demolition Order Issuance process. Ms. Dessauer commented at the next meeting, I would like to issue the Order immediately, and asked is this acceptable. Mr. Deutmeyer stated the Title needs to be updated for transfer of ownership. If the Board agrees, this can be done.

Ms. Sherryl Reeves, 12014 McCook Street, Cedar Lake, IN, stated she put a bid on a property, but there have been problems with the building and an unauthorized person living on the property. My husband and I were told the building were secured. Mr. Gatto toured the property with my husband and I to see what the condition of the property was and it was not secured. Discussion ensued regarding the property and it being unsafe. Ms. Reeves commented this building was acquired by the Town on a tax sale in 2013. This property was put up for bid and it had to be appraised and nobody noticed this is an unsafe building. Ms. Reeves commented she believes it is the Town's responsibility and should have been demolished long ago.

Ms. Dessauer asked if Ms. Reeves is the owner of the property now. Ms. Reeves responded in the negative, but has secured a bid for the property and it is still Cedar Lake, IN property at this time.

Mr. Salatas stated the Town acquires properties on tax sale and we go through a disposal process following Indiana's statute. The properties are sold as is. The expectation is if they do contain an unsafe structure or a structure that's needs remedied or torn down that's why the properties are put up for bid as is.

Ms. Reeves commented the original paperwork did not state there was a building on it. There was a lot of improper information on the bid.

Ms. Schieben asked once you make a bid, can you back out of it. Mr. Austgen stated there are legal theories about how this can be done, but normally not. The Town did its due diligence so we can notice the bidders the opportunity to bid on this property. We had to get Title Work and Appraisers to look at the property and the Appraisers took pictures of the building. Discussion ensued.

March 15, 2023

Mr. Austgen stated the condition of this property is within your jurisdiction to determine. Mr. Gatto can write up an Unsafe Report. Discussion ensued. Ms. Reeves commented this is a costly property to have to remove the building and the concern is that the Town has known about this since they acquired it in 2013. Discussion ensued regarding the property and how it should go onto the Unsafe List.

Mr. Hunley asked if they withdrew the bid, does it go back to the Town. Mr. Austgen stated it stays with the Town. The Town owns it by the Transfer Deed by Lake County, IN. Discussion ensued.

Mr. Hunley asked how much would it be to demolish the building on the property. Mr. Salatas stated around \$10,000. Mr. Hunley commented if the Town owns the property and if she has the property demolished at her expense, can we give her the property. Mr. Austgen advised that is a disposal strategy that would have to be approved by the Town Council.

Ms. Vicky Vicary, commented some of the concern is that there is presumably illegal electricity hooked up which is a safety hazard and a liability for this community. Aside from this bid, Ms. Reeves wants to make sure this is done right. Discussion ensued regarding the Town knowing this building is unsafe.

Mr. Greg Parker commented there were 300 parcels taken on from the County and in attempt to clean them up and get them back on the tax rolls and they went on tax sale. The amounts that were owed against them for back taxes made them unattainable for anybody to do anything with them. This was part of that. We were going to clean up these parcels, get them back on the tax rolls. In my opinion, put this item on the agenda with the Town Council, demolish the property, sell it to Ms. Reeves and start paying taxes on it.

Mr. Deutmeyer stated Mr. Gatto would need to do an Unsafe Premises Report on the property. Until there is a report, there's nothing that this Board can act on. Ms. Schieben stated after the report is completed, it will go to Ms. Abernathy and she will get it on the Agenda for the Town Council.

ADJOURNMENT: Ms. Schieben adjourned the meeting at 6:55 pm.

TOWN OF CEDAR LAKE UNSAFE BUILDING DEPARTMENT

Jim Hunley, Member

Heather Dessauer, Vice Chairwoman

Colleen Schieben, Chairwoman

ATTEST:

Cheryl Hajduk, 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 March 15, 2023 Unsafe Meeting