



CEDAR LAKE UNSAFE BUILDING DEPARTMENT MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
May 17, 2023, at 5:30 PM

CALL TO ORDER:

Ms. Schieben called the Unsafe Building Department meeting to Order at 5:39 PM on Wednesday, May 17, 2023 with its members attending on-site. The Pledge of Allegiance was recited by all.

ROLL CALL:

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

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

Minutes

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

Ms. Dessauer Aye

Ms. Schieben Aye

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 work on the property. The yard is mostly cleaned up except the southside. We will be getting a building permit for the roof, but we do not want to tear it off until we are ready. Mr. Gatto commented there has been progress made at the property. Discussion ensued regarding when the new owner is buying the property. Mr. Blanton commented he will continue to clean up the property after the new owner purchases the property.

Ms. Abernathy stated in March a 90-day extension was given on the permit that was given last year of the clean-up of the residential property.

May 17, 2023

A motion was made by Ms. Dessauer and seconded by Ms. Schieben to extend the permit for 30 days to the next meeting with a progress report. Motion passed unanimously by roll-call vote:

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. Abernathy stated Ms. Pamela Broadway is not on-line. She called the Utility Building Department recently and she claimed she was closing on the property, but there aren't any documents supporting this. The Lake County GIS still shows that the property is still in her name, but that the website may not be updated as of yet. Ms. Dessauer commented her absence shows that the property did not close.

Mr. Deutmeyer stated if a motion is made it will need to include to obtain Title Work. We can bring a specimen Demolition Order to the next meeting and move forward. If the property has changed hands, our title search should pick that up and the new owner can be notified.

A motion was made by Ms. Dessauer and seconded by Ms. Schieben to proceed with Title Work and for a specimen Demolition Order to be brought to the next meeting. Motion passed unanimously by roll-call vote:

Ms. Dessauer Aye

Ms. Schieben Aye

3. 13505 Dewey Street - Bowman

Ms. Schieben stated the next order of business is for the property located in the vicinity of 13505 Dewey Street.

Mr. Darrin Bowman, 10001 W. 115th Avenue, Cedar Lake, IN, stated the final windows will be going in and the entire house is wrapped. Ms. Schieben asked if this can go to Building Permit. Mr. Gatto commented this is up to the Board and would be fine with this decision. Mr. Deutmeyer asked Mr. Gatto if he has been out to look at the property and can it be taken off of Unsafe. Mr. Gatto stated it cannot be lived in, but the structure is safe and not a nuisance.

Mr. Deutmeyer asked if there were any time frames on Mr. Bowman's permit. Ms. Abernathy commented it was a 60-day permit and by technicality it expired in April, but because we did not have our April meeting, Mr. Bowman was told to continue working until our May meeting. If a motion is made, have it extended to the year building permit timeline. Mr. Deutmeyer responded in the affirmative. Ms. Abernathy commented the permit will go to April 28, 2024.

A motion was made by Ms. Dessauer and seconded by Ms. Schieben to move this item to the Building Department. Motion passed unanimously by roll-call vote:

Ms. Dessauer Aye

Ms. Schieben Aye

4. 7308 W. 138th Place - Parat

Ms. Schieben stated the next order of business is for the property located in the vicinity of 7308 W. 138th Place.

Mr. Joseph Parat, 4218 Garden Ridge Road, Crestwood, KY 40014, stated he applied for the permit to remove the garage. He would like an extension due to him being sick. There has been some cleanup around the property and we still need to figure out what to do with the roof.

Ms. Abernathy stated he just submitted the permit and a time limit would be needed on the permit. A few items are missing on the permit.

Mr. Parat would like a 60-day extension. The garage will be removed, and he will be getting contractor opinions for certain things on the property.

Ms. Schieben asked is this a new permit. Ms. Abernathy stated it is a new permit for the demolition of the garage.

Ms. Dessauer asked if this was started 60-days ago. Ms. Abernathy commented 60-days ago the Board gave an extension to allow time to come up, view the property, determine what they were going to be doing, and get a permit submitted.

A motion was made by Ms. Dessauer and seconded by Ms. Schieben to extend the permit for 30 days and to appear at the next meeting. Motion passed unanimously by roll-call vote:

Ms. Dessauer Aye

Ms. Schieben Aye

5. 13013 Knight Street – Kubiak Properties Inc (*Demolition Permit Pulled March 21, 2023*)

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

Mr. Tim Kubiak, 9080 W. 129th Place, Cedar Lake, IN, stated he got a permit to demolish the property and clean it up and this will be done before the next meeting in June.

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

Ms. Dessauer Aye

Ms. Schieben Aye

6. 11104 W. 133rd Ave – Rahaw

Ms. Schieben stated the next order of business is for the property located in the vicinity of 11104 W. 133rd Ave.

May 17, 2023

Ms. Abernathy stated nobody was present and she has had no communication. Back in February, Mr. Rahaw stated he was going to be working on getting bids from contractors to tear the house down. We updated the permit to the whole house demolition. The permit has not been pulled as of yet.

Ms. Abernathy asked Mr. Gatto if anyone has called him out to the property. Mr. Gatto commented there has been no information on it since our last meeting. He cleaned up the back of the house so that it was not falling off anymore.

Mr. Deutmeyer stated the initial Demolition Order was entered. We can give him until the next meeting to demolish the home. If not, the Order becomes final and move on.

A motion was made by Ms. Dessauer and seconded by Ms. Schieben to Stay the Execution of the Final Order. Motion passed unanimously by roll-call vote:

Ms. Dessauer Aye

Ms. Schieben Aye

Mr. Andrew Rahaw, 427 W. Oakley Avenue, Lowell, IN, stated he apologized for being late to the meeting. He stated he has been working on getting bids from contractors so the structure can be removed. Cleanup has been happening on the property, the porch is down but he still needs to pick up the permit. Discussion ensued. Ms. Abernathy stated back on February 15, 2023 a motion had been made by Mr. Hunley and seconded by Ms. Dessauer to Stay the Execution of the Demolition Order and a 90-day deferral was given on the house. There was no timeline given on any permit.

Ms. Dessauer asked if Mr. Rahaw would want the Town to demolish the home. Mr. Rahaw commented it depended on how much money that would cost. Ms. Abernathy commented there are five or six houses on the list to be torn down and cautioned against offering to take the house down. Ms. Dessauer commented her concern is the lack of progress for the last three months. Discussion ensued.

Ms. Dessauer asked how much longer is needed to have the house down. Mr. Rahaw would like to have the house down by the end of the month, but is still trying to get estimates from contractors.

A motion was made by Ms. Dessauer and seconded by Ms. Schieben to extend this for 30-days with an update at the next meeting on June 21, 2023. Motion passed unanimously by roll-call vote:

Ms. Dessauer Aye

Ms. Schieben Aye

7. 12905 Hilltop – Krukowski-Cheever, Kathy Living Trust

Ms. Schieben stated the next order of business is for the property located in the vicinity of 12905 Hilltop.

Mr. Issac Johnson, RG Construction, 12221 Cline Avenue, stated he will be there in a day or two to work on the home. Mr. Gatto commented he has been working on it.

Ms. Abernathy commented it is a 90-day permit because it falls under the purview of the Unsafe Board. Any extension would have to be approved by the Board.

May 17, 2023

Ms. Dessauer asked if this should go off the Unsafe List and go over to Building Department. Mr. Gatto commented the home is not on the foundation. Ms. Dessauer commented we will keep this on the Unsafe List for now.

A motion was made by Ms. Dessauer and seconded by Ms. Schieben to extend for 90 days with the agreement that progress continues to be made. Motion passed unanimously by roll-call vote:

Ms. Dessauer Aye

Ms. Schieben Aye

8. 13947 Hobart – Wease

Ms. Schieben stated the next order of business is for the property located in the vicinity of 13947 Hobart.

Ms. Abernathy stated there was a discussion with the attorney and he stated they removed the property from the illegal owner and they are looking for qualified purchasers and they are in the process of obtaining the original deed from the 1930's and they are needing a final hearing for July or August. They are requesting an extension to September.

Mr. Deutmeyer stated the case is pending in Civil Division 5, which is in Hammond, IN. The activity on the docket was that a complaint was filed in December and then a Proof of Service on the Defendant. The gentleman was served in December. They filed a Motion for Default Judgement which there has been no appearance by the Defendant. In the dockets that is related to both the estate and to this specific cause of action, the information is not consistent of what is in the court's records. Whatever they are intending on doing, has not been done yet. The suggestion is they are ordered to appear at the next meeting and if something has happened then they can show us, if not, we can figure it out.

A motion was made by Ms. Dessauer and seconded by Ms. Schieben to order the Weases to appear at the June 21, 2023 meeting and defer this matter for a month. Motion passed unanimously by roll-call vote:

Ms. Dessauer Aye

Ms. Schieben Aye

9. 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 Ave.

Mr. Roger Hayward, 6721 W. 145th, stated Mr. Cagnina cannot get to the meeting tonight. We have a change of plans; the financing fell through and it isn't allowed for a homeowner to do any work. We would like an extension and the plan is to flip flop the houses. The property at 7105 W. 128th needs less work. We took the floors up so Mr. Gatto can come out to inspect to make sure nothing is sitting in the dirt and whatever needs to happen. We will need to write up a new scope and get the permits.

Ms. Schieben asked are we talking about two different properties. Mr. Hayward responded in the affirmative. Ms. Abernathy stated 7105 W. 128th Avenue was one that was on pre-covid and it fell off the list and has not made it back to the Unsafe Board. Discussion ensued.

May 17, 2023

Mr. Gatto commented that the work on 7105 W. 128th Avenue would be cheaper and can be used as collateral to get the other one fixed. Ms. Schieben commented 7105 W. 128th Avenue should be on the Unsafe list.

Mr. Hayward commented 7109 W. 128th Avenue is boarded up; it will be kept clean while we work on the other property.

Ms. Dessauer asked what is the status of 7109 W. 128th Avenue on the exterior. Mr. Hayward commented nothing has changed on the exterior that he is aware of. Discussion ensued regarding the exterior of the property. Mr. Gatto stated we have been in 7105 W. 128th Avenue, but we need to verify that it has a foundation and after we verify that then some work can proceed and a scope of work will be needed.

Mr. Deutmeyer stated as part of the exterior cleanup for 7109 W. 128th Avenue, there needs to be documentation showing the exterior of the property because that is a concern. Mr. Gatto will get some pictures of the property.

Ms. Dessauer commented if the exterior looks decent, boarded up and looks safe, we would be more flexible on the plan. Discussion ensued.

A motion was made by Ms. Dessauer and seconded by Ms. Schieben to potentially add 7105 W. 128th Avenue to the Unsafe Building List and Mr. Gatto will get an updated report for this property. Motion passed unanimously by roll-call vote:

Ms. Dessauer Aye

Ms. Schieben Aye

A motion was made by Ms. Dessauer and seconded by Ms. Schieben to defer 7109 W. 128th Avenue until the next meeting of June 21, 2023. Motion passed unanimously by roll-call vote:

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.

Mr. Tim Kubiak, 9080 W. 129th Place, Cedar Lake, IN, stated there is not a lot going on with this property. The grass is being mowed and kept clear 100-feet from Cline Avenue. We put up “no trespassing” signs on the building and are keeping up on boarding up windows and keeping the roof secure on the building. Discussion ensued regarding the building. Mr. Kubiak commented he will check the building more regularly.

Ms. Dessauer asked if the property is going to be sold. Mr. Kubiak commented it is his brother’s property and at this point there is no intention of selling it.

May 17, 2023

A motion was made by Ms. Dessauer and seconded by Ms. Schieben to remove this from the Unsafe Building List at this time. Motion passed unanimously by roll-call vote:

Ms. Dessauer Aye

Ms. Schieben Aye

2. W 127th Lane – Town of Cedar Lake

Ms. Schieben stated the next order of business is for the property located in the vicinity W 127th Lane.

Ms. Abernathy stated this was the property that was brought up at the March meeting during public comment. Mr. Gatto has an Unsafe Report and this will go on the list for demolition when we can.

A motion was made by Ms. Dessauer and seconded by Ms. Schieben to move this to an Update Item at the next meeting with the understanding this home will be demolished. Motion passed unanimously by roll-call vote:

Ms. Dessauer Aye

Ms. Schieben Aye

3. 13941 Morse Street – Steuer

Ms. Schieben stated the next order of business is for the property located in the vicinity 13941 Morse Street.

Ms. Abernathy stated this is being introduced to the list and is across the street from the water line extension was done. An Unsafe report will need to be done.

A motion was made by Ms. Dessauer and seconded by Ms. Schieben to get an Unsafe Report completed and report back at the next meeting. Motion passed unanimously by roll-call vote:

Ms. Dessauer Aye

Ms. Schieben Aye

4. 14617 Lee Street – Linden

Ms. Schieben stated the next order of business is for the property located in the vicinity 14617 Lee Street.

Ms. Abernathy stated this is a new item on the list. Mr. Gatto commented the concerns are the front porch that is falling off of the house. The owners built a deck on the southside of the house and the porch is on the westside and people live there. The porch needs to be taken down and the rest of the house needs maintenance and repairs. Discussion ensued.

Mr. Deutmeyer advised if we want to move forward with the demolition, we can order them to appear and we can get Title Work on it. If they fail to appear or not get a positive response at the next meeting, then we can run Title Work.

May 17, 2023

A motion was made by Ms. Dessauer and seconded by Ms. Schieben to send notification for this property and have the owner appear at the June 21, 2023 meeting. Motion passed unanimously by roll-call vote:

Ms. Dessauer Aye

Ms. Schieben Aye

Update Items:

1. 7220 W. 138th Place – Leonhardt

Ms. Abernathy commented this property is up the road and there was never an Unsafe Report made for this property, but they have been actively working on the property with a permit. Mr. Gatto commented this can be removed and go to the Building Department.

2. 7120 W. 132nd Place – Rincon (Formerly Kubal)

Ms. Abernathy stated they completed the restoration of the property and it was “for sale” and has a closing date of May 23, 2023. Mr. Gatto stated this can be removed from Update Items.

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

Ms. Abernathy stated they came with their Concept Plan at the beginning of the month and would like to put this on the list of closings/approvals. They are working on engaging Engineering and they are potentially looking into a PUD rezone. Ms. Dessauer commented she would like this to stay on Update Items.

4. 8816 W. 141st Avenue – Bird

Mr. Deutmeyer stated since the last meeting Mr. Salatas and I were in Court in April and the owners failed to appear. The Bank tried unsuccessfully to continue the hearing because the owners were trying to get out of a bad loan. The Court did not grant the continuance. The injunction was entered which gave the owners until April 30, 2023 to vacate the property. On May 3, 2023 the home was demolished. We will prepare a Bill of Costs that will be sent to the Bird’s and they have a set amount of time to pay it. If this does not happen, it will go with the other lawsuit. Discussion ensued regarding the lien.

Mr. Deutmeyer advised until we get the Lien Right to Protect It, leave on this on the Update Items.

5. 12901 Hilltop – Lomberger

6. 6599 Fernwood – Mogan

7. 14021 Windsor Street – Mogan

8. 7020 W 139th Place – Land Bank Builders & Associates, Inc. (Formerly INACQ, LLC)

9. 7109 W 146th Avenue – Heavner

Ms. Abernathy stated these are on the list for demolition.

10. 7424 W. 140th Place – Graves

Mr. Deutmeyer stated Ms. Graves’ attorney has withdrawn her appearance on behalf of Sheila Graves. In accordance with our trial rule, she is required to give the current address of Ms. Graves which is in Crestwood, IL and shortly after she did that, we filed a Motion for Summary Judgment against Sheila

Unsafe Building Department
May 17, 2023

Graves based on the fact she does not own the property anymore. Discussion ensued regarding motions to the Court.

Mr. Gatto commented there has not been a building permit pulled from the new owner. Discussion ensued regarding some repairs that have been done.

PUBLIC COMMENT: None was had.

ADJOURNMENT: Ms. Schieben adjourned the meeting at 6:48 pm.

TOWN OF CEDAR LAKE UNSAFE BUILDING DEPARTMENT

Donna Rozenich, 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 May 17, 2023 Unsafe Meeting