



**CEDAR LAKE UNSAFE BUILDING DEPARTMENT MEETING MINUTES**  
**CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA**  
**July 19, 2023, at 5:30 PM**

**CALL TO ORDER:**

Ms. Dessauer called the Unsafe Building Department meeting to Order at 5:31 PM on Wednesday, July 19, 2023 with its members attending on-site. The Pledge of Allegiance was recited by all.

**ROLL CALL:**

**Members Present:** Heather Dessauer, Vice Chairwoman and Donna Rozenich, Member. A quorum was attained.

**Also Present:** Ryan Deutmeyer, Town Attorney; Tony Gatto, Building Inspector; Ashley Abernathy, Planning Director; and Cheryl Hajduk, Recording Secretary. **Absent:** Colleen Schieben, Chairwoman

**Minutes**

Ms. Dessauer entertained a motion for the June 21, 2023 Unsafe Building Minutes; a motion was made by Ms. Rozenich and seconded by Ms. Dessauer to approve the same. Motion passed unanimously by roll-call vote:

Ms. Rozenich    Aye

Ms. Dessauer    Aye

**Active Unsafe:**

**1. 13716 Birch Street – Blanton**

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

Mr. Roger Blanton, 16152 Wicker, Lowell, IN, stated we are going to close on the house August 1, 2023. We are still working on removing items from the property.

Mr. Donald Johnson, 13711 Birch Street asked how can he get removed from the Unsafe List. Ms. Dessauer stated going forward he will need to come to the meetings until we can remove this from the list. The Title should be transferred by the next meeting on August 16, 2023.

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Mr. Gatto stated once he can turn this into a building permit to take care of the items of disrepair in the house and the Board is content with the progress, this can be moved to an Update Item. The house will need to be assessed and see what needs to be done and then we can come to inspect the house.

Mr. Deutmeyer stated one thing this Commission has done repeatedly over the years is when the permit is issued, it will not be a standard one-year permit. A lot of times there's a short time frame for accomplishing these items to make sure progress is moving. Once the property is not unsafe, the Commission will turn it over to the Building Department, and they will handle it moving forward. The initial items that made it unsafe that brought it here will have a shorter time frame than some of the cosmetic and aesthetic things.

Ms. Dessauer commented as long as there is communication and staying on track, but in the meantime, come back in 30 days.

A motion was made by Ms. Rozenich and seconded by Ms. Dessauer to defer this item for 30-days. Motion passed unanimously by roll-call vote:

Ms. Rozenich    Aye

Ms. Dessauer    Aye

**2. 9320 W 142nd Avenue – NWI Casas LLC (Formerly Midland Trust Company as Custodian fbo Pamela Broadway Account #1716575)**

Ms. Dessauer stated the next order of business is for the property located in the vicinity of 9320 W. 142<sup>nd</sup> Avenue.

Mr. Junior Martin, 2701 W. 45<sup>th</sup> Avenue, Gary, IN stated we closed on the property on May 19, 2023. Our company buys and sells homes. We didn't realize this was on the Unsafe List as the previous owner did not let us know.

Ms. Dessauer asked what is the timeframe for completion. Mr. Martin commented this will be a complete rehab and the Scope of Work was sent to the Building Department, and we thought a permit was pulled. We are looking at the end of August for completion.

Ms. Dessauer asked what needs to happen next. Ms. Abernathy commented some work was done without a permit. There is a stop work order on the property. A site inspection will need to be scheduled with the Building and Planning Secretary as two of our building inspectors and the contractor will need to go out and walk the property before any permit can be approved.

Ms. Dessauer asked if work has been started. Mr. Martin responded in the affirmative. Discussion ensued.

Mr. Gatto stated we need to see what work was done prior to the permit, because, some work was done. We require contractors to be licensed in the Town. Discussion ensued.

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A motion was made by Ms. Rozenich and seconded by Ms. Dessauer to defer this matter for 30 days and if the permit comes through, it will be good for three months and work can begin on the house. This is contingent on the Building Department getting the site inspection scheduled. Motion passed unanimously by roll-call vote:

Ms. Rozenich    Aye

Ms. Dessauer    Aye

### **3. 7308 W. 138th Place - Parat**

Ms. Dessauer 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 has been in communication with Ms. Abernathy and the garage has come down, but the pad is still there. The final inspection has not been completed yet. He is continuing to look for contractors to work on the house.

Ms. Dessauer asked if anything, has been done with the house. Mr. Parat commented nothing yet because the garage was the first permit and most of the outside has been cleaned up. Discussion ensued.

Ms. Dessauer asked if the windows and doors are secured on the house. Mr. Gatto responded in the affirmative.

Ms. Dessauer asked how long has this been on the Unsafe List. Ms. Abernathy stated it was on the Potential Unsafe List in November 2022. Discussion ensued.

Mr. Parat commented he is having a hard time getting a contractor to come out and he is considering selling the property.

Mr. Parat asked if the garage will have a final inspection. Mr. Gatto stated we would verify that the garage is down and everything is cleaned up and it's fine that the concrete slab is still there. Mr. Gatto asked who are the contractors. Mr. Parat commented they are going off the contractor list, but it is difficult to get them to come out to the property. Discussion ensued in length regarding the work that needs to be done on the home.

Ms. Dessauer commented to get a contractor so the home can be up to code and to review options with a realtor so we have a direction to go with.

Mr. Derrick Garecos, 7308 W. 138<sup>th</sup> Place, commented the property has been cleaned up and he is renting the property and is willing to do some small repairs on the home. Discussion ensued.

Mr. Deutmeyer commented about the longevity of this item and wanting a resolution and deferring this to give it more time. A suggestion to the Board is to put on end date on this item.

Ms. Abernathy stated she sent the Unsafe Report and it showed that there are issues with the roof and structure, but the garage was the worst. We gave the permission to work on the garage first, but to get a plan together for the house, so once the garage was taken care of, we could move forward on the house. Permission was given in March to work on the garage, deferrals were given and the permit was pulled in

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May for the garage and now we are at the July meeting and there isn't a house plan yet. Discussion ensued.

Mr. Parat asked what is the procedure if the home goes on the market and should it be in writing that the house is on the Unsafe List. Mr. Deutmeyer stated the Unsafe Building Law isn't specific on the exact methodology of doing it, but to protect yourself, something should be in writing.

Mr. Deutmeyer discussed what would happen to the home if no action is taken:

- If there was no appearance back in January, the Board would have issued an Order of Demolition.
- 30-days would be given to correct it or demolish property.
- If nothing was done, the Board would have issued an Affirmation Order, which would allow the Town to demolish property.
- Once demolished, property owner would be issued a bill for the demolition.
- If not paid, the property would have been lienied.

Mr. Deutmeyer stated whatever notice you give a prospective buyer and within five days after the closing, you are required to disclose to the Town, the name, address and phone number of the new buyer.

A motion was made by Ms. Rozenich and seconded by Ms. Dessauer for a 30-day extension deadline with a plan from a contractor to improve the property or to provide a listing for sale. Motion passed unanimously by roll-call vote:

Ms. Rozenich Aye

Ms. Dessauer Aye

#### **4. 11104 W. 133<sup>rd</sup> Ave – Rahaw**

Ms. Dessauer stated the next order of business is for the property located in the vicinity of 11104 W. 133<sup>rd</sup> Ave.

Mr. Andrew Rahaw, 427 W. Oakley Avenue, Lowell, IN, stated he still wants to move forward to get the house removed, but right now nothing can be done with the garage because the turkey vultures are still there. More cleanup has been done inside and outside of the house. Discussion ensued in length regarding how much more needs to come out of the home and Mr. Rahaw wants to remove as much as possible before demolition.

Ms. Dessauer asked how much time is needed to get the house emptied out. Mr. Rahaw responded another week.

Ms. Rozenich asked if there are any quotes for demolition of the house. Mr. Rahaw commented he has one estimate and is waiting on three other contractors for a bid.

Mr. Deutmeyer asked if everything is going to be done at once. Mr. Rahaw commented the house will come down first and the birds have to be gone before the garage comes down and that may be the winter. Mr. Rahaw commented he is keeping the property.

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Ms. Abernathy commented there is a permit for the demolition of everything and it expires September 22, 2023.

Ms. Dessauer asked what is the timeframe needed to get the house down. He also stated he would like a second bid to have something to compare to the first bid. The first bid is not a contractor with the Town and they would need to register with the Town. Mr. Rahaw commented Nipsco cleared out the electric line. Discussion ensued regarding contractors and trying to get a contractor to do the work. Mr. Rahaw commented he is awaiting getting the well capped.

A motion was made by Ms. Rozenich and seconded by Ms. Dessauer to defer this item for 60-days to come to the September 20, 2023 meeting with a bid and date of demolition for the house. Motion passed unanimously by roll-call vote:

Ms. Rozenich    Aye

Ms. Dessauer    Aye

#### **5. 7109 W. 128<sup>th</sup> Ave. Cagnina**

Ms. Dessauer stated the next order of business is for the property located in the vicinity of 7109 W. 128<sup>th</sup> Avenue.

Ms. Abernathy commented Mr. Roger Hayward had a telephone conversation with her; he is the gentleman that is helping Mr. Cagnina with his properties. They are still working on getting the holes to the depth of where they need to be so Mr. Gatto can inspect the foundation for 7105 W. 128<sup>th</sup> Avenue property and they are asking for a 30-day deferral.

Ms. Dessauer asked is there a foundation. Mr. Gatto commented he doesn't believe there is and he is waiting for 36-inch-deep holes to see if there is a foundation under the house. Discussion ensued regarding the two properties and how long they have been on the Unsafe List.

Mr. Deutmeyer asked what is the plan if there isn't a foundation with the house. Mr. Gatto responded Mr. Kubiak and myself met with Mr. Cagnina prior to Mr. Hayward being involved. We let him know that the house would need a foundation because we thought it doesn't have one and gave him referrals; this was for 7105 W. 128<sup>th</sup> Avenue.

Ms. Dessauer asked if there is a report on 7105 W. 128<sup>th</sup> Avenue. Mr. Gatto stated there is an old report and can be updated.

Ms. Abernathy commented that 7109 W. 128<sup>th</sup> Avenue, was purchased by Mr. Cagnina in 2021 and 7105 W. 128<sup>th</sup> Avenue was purchased in 2022 according to the Assessor's Report Card.

A motion was made by Ms. Rozenich and seconded by Ms. Dessauer to defer this item for 30-days and to appear at the August 16, 2023 meeting. Motion passed unanimously by roll-call vote:

Ms. Rozenich    Aye

Ms. Dessauer    Aye

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**6. 7105 W. 128<sup>th</sup> Ave – Cagnina (2<sup>nd</sup> property)**

Ms. Dessauer stated the next order of business is for the property located in the vicinity of 7105 W. 128<sup>th</sup> Avenue.

A motion was made by Ms. Rozenich and seconded by Ms. Dessauer to defer this item for 30-days to see if there is a foundation with the home and get an updated Unsafe Report. This will be final. Motion passed unanimously by roll-call vote:

Ms. Rozenich    Aye

Ms. Dessauer    Aye

**Potential Unsafe Items:**

**1. 13941 Morse Street - Steuer**

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

Ms. Abernathy commented there is an Unsafe Report. Ms. Dessauer asked Mr. Gatto if he went inside the house. Mr. Gatto stated the pictures were from the exterior of the house. It was secured as it can be and there are panels knocked out on the barn and overhead doors. It is in better shape than the house and there are a lot of items all over the property.

Ms. Abernathy stated the homeowners are deceased, but there were three children and one is deceased. When the property goes up for tax sale, someone pays the taxes so it doesn't get purchased by way of tax sale. There has never been any probate for this property.

Ms. Dessauer asked if the sewer bill is being paid. Ms. Abernathy responded in the affirmative, but doesn't know who is actually paying the bills. We will need to run Title on this and will need to post in the paper for a Notice to Appear.

Mr. Deutmeyer commented someone would need to read the legal advertisements in the newspaper to know that their parents' property has some issues. Mr. Deutmeyer commented someone is getting the utility bills to pay them. Discussion ensued.

Mr. Austgen commented this property may be of some value to the Town in relationship to the utility's extensions and the like. We will give a report to the Town Council and Mr. Salatas for a solution.

Mr. Deutmeyer commented the Statute requires that publication be made two times, one week apart and the second publication must occur at least three days before the event occurs. Title will be back next month. Discussion ensued.

A motion was made by Ms. Rozenich and seconded by Ms. Dessauer to run Title, request homeowner presence at the next meeting and move this item to Active Unsafe. Motion passed unanimously by roll-call vote:

Ms. Rozenich    Aye

Ms. Dessauer    Aye

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**Update Items:**

**1. 8120 Lake Shore Drive – Schane’s Bar & Grill**

Ms. Abernathy commented they are waiting on Engineering and PUD documents to come in from their Engineer and Attorney.

**2. 8816 W. 141<sup>st</sup> Ave. – Bird**

Ms. Abernathy commented she has an invoice and there is a Foreclosure Judgment on this, but not sure how this will go on collecting, but the total is \$13,506.80. Mr. Deutmeyer commented the bank filed their foreclosure action shortly after we filed our complaint in the Superior Court. They received a Decree of Foreclosure against the property. We can send the bill to the property owners; the owners will probably not pay. Their foreclosure judgment is around \$100,000.

A motion was made by Ms. Rozenich and seconded by Ms. Dessauer to remove this item from the Update Items. Motion passed unanimously by roll-call vote:

Ms. Rozenich Aye

Ms. Dessauer Aye

**3. 12901 Hilltop – Lomberger**

**4. 6599 Fernwood – Mogan**

**5. 14021 Windsor Street – Mogan**

**6. 7020 W 139th Place – Land Bank Builders & Associates, Inc. (Formerly INACQ, LLC)**

**7. 7109 W 146th Avenue – Heavner**

Ms. Abernathy stated it is on the list to be demolished.

**8. 7424 W. 140<sup>th</sup> Place – Graves**

Ms. Abernathy commented she would like the Board’s direction to go ahead and notify them to appear at the next month’s meeting because there hasn’t been a permit submitted on the work that they did to the garage and we cannot say if this is unsafe or not. Mr. Deutmeyer refreshed the Board’s memory of events for this property.

Ms. Dessauer stated we want them to give Mr. Gatto access to do an inspection and pull the permit for the work that was done.

**9. W 127<sup>TH</sup> Lane – Town of Cedar Lake**

Ms. Abernathy stated it is on the list to be demolished.

**10. 13013 Knight Street – Kubiak Properties Inc. (Demolition Permit Pulled March 21, 2023)**

Ms. Abernathy stated this was demolished last month and we are waiting for the sewer to be capped and inspected.

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A motion was made by Ms. Rozenich and seconded by Ms. Dessauer to remove this item from the Update Items. Motion passed unanimously by roll-call vote:

Ms. Rozenich    Aye

Ms. Dessauer    Aye

Ms. Dessauer asked can we get a list of properties that can get back on the Unsafe List. Ms. Abernathy commented Mr. Gatto had gone through and looked at all unsafe reports. We can compile a list with the reports, if any were made at that time. Discussion ensued.

Mr. Deutmeyer commented he understands the budgetary concerns and this should not be a hinderance to the Board taking action on reports that Mr. Gatto has done and to see if something can be done. Discussion ensued.

**PUBLIC COMMENT:** Mr. Nick Whorley, 7000 W. 127<sup>th</sup> Place, commented there is a house by Walgreens that needs to be looked at. Ms. Dessauer stated it is 11104 W. 133<sup>rd</sup> Avenue and is going to be demolished.

**ADJOURNMENT:** Ms. Dessauer adjourned the meeting at 7:05 pm.



## TOWN OF CEDAR LAKE UNSAFE BUILDING DEPARTMENT

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Donna Rozenich, Member

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Heather Dessauer, Vice Chairwoman

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Colleen Dessauer, Chairwoman

ATTEST:

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Cheryl Hajduk, Recording Secretary

*These Minutes are transcribed pursuant to IC 5-14-1.5-4(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.*

*Minutes of July 19, 2023*