



**CEDAR LAKE UNSAFE BUILDING DEPARTMENT MEETING MINUTES**  
**CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA**  
**August 16, 2023, at 5:30 PM**

**CALL TO ORDER:**

Ms. Schieben called the Unsafe Building Department meeting to Order at 5:30 PM on Wednesday, August 16, 2023 with its members attending on-site. The Pledge of Allegiance was recited by all.

**ROLL CALL:**

**Members Present:** Colleen Schieben, Chairwoman and Donna Rozenich, Member. A quorum was attained.

**Also Present:** Ryan Deutmeyer, Town Attorney; David Austgen, Town Attorney; Tony Gatto, Building Inspector; Ashley Abernathy, Planning Director; and Cheryl Hajduk, Recording Secretary. **Absent:** Heather Dessauer, Vice Chairwoman

**Active Unsafe:**

**1. 13716 Birch Street – Blanton**

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

Mr. Donald Johnson, 13711 Birch Street, stated the sale was finalized and the house will need to be demolished and he is in the process of getting bids. Mr. Gatto commented we made sure the setbacks were buildable and he spoke with Ms. Abernathy on if it was ok to rebuild a home. Ms. Abernathy commented they need to submit a building permit for the demolition of the property.

Ms. Schieben asked when will this be done. Mr. Johnson stated next week.

Mr. Deutmeyer stated in the past a shorter duration can be put on the Demolition Permit. Mr. Johnson commented the demolition will be down to the basement floor.

A motion was made by Ms. Rozenich and seconded by Ms. Schieben to defer this item for 60-days and to obtain a Demolition Permit. Motion passed unanimously by roll-call vote:

Ms. Rozenich    Aye

Ms. Schieben    Aye

**2. 9320 W 142nd Avenue – NWI Casas LLC (Formerly 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. 142<sup>nd</sup> Avenue.

Mr. Junior Martin, 2701 W. 45<sup>th</sup> Avenue, Gary, IN stated we buy and fix properties to sell and we applied for permits, and we were under the impression that was being cared for. The permits were not approved when the electrician came to pull the permit. We were told to get an inspection so both inspectors can walk through so we can continue work on the property. We set a date, but then there was a schedule conflict and the inspection was rescheduled to August 22, 2023. Ms. Abernathy commented it is for a site inspection because there was work being done without a permit and two building inspectors are required to do the site inspection.

Mr. Deutmeyer stated at the last meeting we suggested a shorter duration Building Permit to be issued, but with the site inspection not being completed, this hasn't happened yet. If the Board wants to bring them back next month, the same recommendation can be made. Discussion ensued.

A motion was made by Ms. Rozenich and seconded by Ms. Schieben to defer this matter for 30 days and direction to the Building Department to issue a Building Permit for 30 days contingent upon the site inspection being completed. Motion passed unanimously by roll-call vote:

Ms. Rozenich   Aye  
Ms. Schieben   Aye

**3. 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 received estimates and the tenant agreed to keep the property up the best that he can, but the property is going up for sale. Discussion ensued.

Mr. Gatto commented Mr. Parat will need to disclose to the new buyer that the house is listed on the Unsafe Building List with the Town.

Mr. Deutmeyer stated the Statute allows us to record Demolition Orders which will be in the public record and the Title Company will pick that up. Discussion ensued with Mr. Parat of why the house need to be demolished. Ms. Schieben stated a new buyer needs to be informed that this house is on the Unsafe List.

Mr. Deutmeyer stated the Board can defer this item for 60-days so the owner has time to sell the property and if nothing happens in this time, the Board can decide on what to do.

Mr. Parat commented he talked with the realtors and is listing the property and has done what the Board has asked him to do. Discussion ensued.

Mr. Deutmeyer stated he wasn't sure if Title has been run on this property. There may be some lag time with the Title, but to set this for a hearing in October.

Mr. Parat asked if he should contact the Building Department when the property is listed. Mr. Deutmeyer stated when the property is sold and who it was sold to. Ms. Schieben commented if the property does not sell in 60-days, then Mr. Parat needs to come back. Discussion ensued.

A motion was made by Ms. Rozenich and seconded by Ms. Schieben enter a Demolition Order and record it with the Lake County Recorder and to order Title Work. This item is deferred to the October 18, 2023 meeting. Motion passed unanimously by roll-call vote:

Ms. Rozenich    Aye  
Ms. Schieben    Aye

**4. 7109 W. 128<sup>th</sup> Ave. Cagnina**

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

Mr. Luigi Cagnina, 16120 S. Forest Avenue, Oak Forest, IL and Mr. Roger Hayward stated a lot has not gotten done because there was an issue of not digging down deep enough to see if there is a foundation and there is an issue with the finances.

Mr. Gatto commented he went out to the property and the holes were 12-inches deep and there isn't a foundation. Discussion ensued in length regarding the footprint of the house and what needs to be done with the house. Mr. Gatto stated there is no foundation for the house and it needs to be legal.

A motion was made by Ms. Rozenich and seconded by Ms. Schieben to defer this item for 30-days and to report back with a financial plan and a plan of action. Motion passed unanimously by roll-call vote:

Ms. Rozenich    Aye  
Ms. Schieben    Aye

**5. 7105 W. 128<sup>th</sup> Ave – Cagnina (2<sup>nd</sup> property)**

Ms. Schieben 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. Schieben to defer this item for 30-days and to report back with a financial plan and a plan of action. Motion passed unanimously by roll-call vote:

Ms. Rozenich    Aye  
Ms. Schieben    Aye

**6. 13941 Morse Street - Steuer**

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

Mr. Hansel Steuer, 13941 Morse Street and Attorney Steven Nichols were present for the item. Ms. Abernathy commented a report was done and moved to Active Unsafe List. The current owners passed away over a decade ago and after the last meeting, Mr. Steuer reached out and stated he is the Power of Attorney for the property. He was advised to be at tonight's meeting.

Ms. Schieben asked what is the intent for the property. Mr. Nichols stated we are working on correcting the Title and he isn't sure what the state of the property is. Ms. Rozenich commented on what is wrong with the house and property. Discussion ensued. Mr. Steuer commented he wants to sell the property and would like to defer this matter for 30 or 60 days.

Mr. Austgen stated there has to have standing to be in front of this Board to have some jurisdictional authority over a person with that standing; the estate. They need to have jurisdiction over before an order can be effective related to an unsafe building.

A motion was made by Ms. Rozenich and seconded by Ms. Schieben to defer this item for 30-days and to report on a plan of action and contingent of securing the buildings. Motion passed unanimously by roll-call vote:

Ms. Rozenich    Aye  
Ms. Schieben    Aye

Ms. Schieben stated she would like to amend the agenda and add 14617 Lee Street.

A motion was made by Ms. Rozenich and seconded by Ms. Schieben to amend the agenda to add 14617 Lee Street. Motion passed unanimously by roll-call vote:

Ms. Rozenich    Aye  
Ms. Schieben    Aye

## **7. 14617 Lee Street**

Mr. Nick Linden, 14617 Lee Street, stated most of the porch is down and it will be done by the end of the month.

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

Ms. Rozenich    Aye  
Ms. Schieben    Aye

### **Update Items:**

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

Ms. Abernathy commented they filed their application for the one-lot subdivision and the re-zone to a PUD and they will appear at the September 6, 2023 Plan Commission Work Session.

#### **2. 12901 Hilltop – Lomberger**

#### **3. 6599 Fernwood – Mogan**

#### **4. 14021 Windsor Street – Mogan**

#### **5. 7020 W 139th Place – Land Bank Builders & Associates, Inc. (Formerly INACQ, LLC)**

Ms. Abernathy stated these properties are on the list to be demolished.

**6. 7109 W 146th Avenue – Heavner**

Mr. Josh Heavner, 115 N. Grant Street, Crown Point, IN, stated he signed the agreement to have the house torn down. Discussion ensued in length regarding the loan payment after the house is torn down. Mr. Heavner wanted to know:

- what will be the payment per month.
- what are the interest rates.
- when will the payment start per month.

Mr. Heavner commented he would like the house to be taken off of the Unsafe List so he can get the answers to his questions.

Mr. Deutmeyer commented that Mr. Heavner requested the Town take down the house in January 2023. The Town is utilizing taxpayer funds and it is not an interest free loan. He waived his rights under the Unsafe Building Code that if the Town is taking down the house, the Town will be owed the money. If the loan isn't paid, the Town would file a lien. When a property is lienied through the Unsafe Building Law, it is a Judgement and it carries the same the interest by Statute. Minimum monthly payments are not required, but if the Judgement isn't paid off within 30-days, the Town can foreclose on the Judgement Lien. The interest rate is 8% per year. After the house is torn down, there is a set amount of time to pay off the Judgement. Discussion ensued.

Mr. Gatto commented the utility bill still needs to be paid until the house is taken down.

Discussion ensued regarding if the Judgement cannot be paid in 30-days and what the next steps could be.

Mr. Deutmeyer stated to have the house removed from the Unsafe List is if the Board gives a set amount of time to have the house torn down. There is a signed Order Agreement to have the house torn down. Discussion ensued.

A motion was made by Ms. Rozenich and seconded by Ms. Schieben to Stay the Execution of the Order for 90-days and to defer for 90-days with an update. Motion passed unanimously by roll-call vote:

Ms. Rozenich   Aye  
Ms. Schieben   Aye

**7. 7424 W. 140<sup>th</sup> Place – Graves**

Ms. Abernathy commented she sent a letter for them to appear. The garage was fixed without the appropriate permit. The new owners put the property up for sale.

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Ms. Schieben asked if the garage was the only structure on the property. Mr. Deutmeyer responded in the affirmative and is a Building Department issue.

A motion was made by Ms. Rozenich and seconded by Ms. Schieben to remove this item off of the Update Item List. Motion passed unanimously by roll-call vote:

Ms. Rozenich     Aye

Ms. Schieben     Aye

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

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

**PUBLIC COMMENT:** None was had.

**ADJOURNMENT:** Ms. Schieben adjourned the meeting at 6:39 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 Schieben, 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 August 16, 2023*