



**CEDAR LAKE UNSAFE BUILDING DEPARTMENT MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
October 18, 2023, at 5:30 PM**

CALL TO ORDER:

Ms. Schieben called the Unsafe Building Department meeting to Order at 5:35 PM on Wednesday, October 18, 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; Tony Gatto, Building Inspector; Ashley Abernathy, Planning Director; David Austgen, Town Attorney; and Cheryl Hajduk, Recording Secretary. **Absent:** None

Active Unsafe:

1. 13716 Birch Street – Johnson (Formerly 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, commented the house is down, but there is some demo work to be done.

Mr. Gatto commented the property is all cleaned up and the house is down. The foundation is being worked on to remove cinder blocks.

Mr. Deutmeyer asked is the area secure. Ms. Abernathy commented they can put a temporary fence around the foundation making sure it is secure.

Mr. Deutmeyer commented this can be removed from Active Unsafe.

A motion was made by Ms. Rozenich and seconded by Ms. Schieben to remove this item from the Unsafe List. 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 142nd Avenue.

Ms. Abernathy commented no one is present. They called last week wanting their Engineer to call Mr. Gatto to see what needs to be done about the house.

Mr. Deutmeyer asked if they heard from the Engineer. Mr. Gatto commented he has not had a chance to call the Engineer yet.

Mr. Deutmeyer stated their demolition permit expired. Mr. Gatto commented the interior demo was for them to see what structural issues there are. Discussion ensued.

Mr. Deutmeyer asked does the Board want to extend the Demolition Permit. Ms. Schieben responded in the negative.

A motion was made by Ms. Rozenich and seconded by Ms. Schieben to update Title and for the owners to appear at the next meeting for an update. 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, commented the property is up for sale, but no contract signed yet. We cleaned up around the house on the outside.

Ms. Schieben asked if the house is vacant. Mr. Parat responded there is a tenant living in the home.

Ms. Abernathy commented there was a deferral to the October meeting and to update Title Work and potentially prepare an Order to be recorded for when and if it does sell.

Mr. Deutmeyer stated we followed up with Fidelity and we should have the updated Title Work soon. If the Board would want to issue the Order for safeguarding ourselves, we can do that. If the Board wants to give more time, or to proceed with the Order issuance, we can do that too. Mr. Parat has not given plans as to rectify this and under the Statute, we can proceed with the Order. If the Demolition Order was issued, it then starts the process and it can be recorded as the Statute allows and will show up on Title and will go on the list of properties to be demolished.

Mr. Parat commented the property does not need to be demolished. The roof needs to be re-done and other things need to be rectified, but he doesn't believe that it needs to be demolished.

Mr. Deutmeyer commented because the Board proceeds with the Demolition Order issuance, does not impair from selling the property and protects themselves if it doesn't sell or if the new buyer does not make the repairs that are needed. Discussion ensued.

Mr. Deutmeyer stated if the Board's decision is a deferral until next month, the earliest the Demolition Order would be issued is in November and that would require a second hearing in December.

Mr. Parat asked if the house didn't sell, would he have to demolish or fix the house. Ms. Schieben responded in the affirmative. Mr. Deutmeyer commented the Town can demolish the house.

Mr. Parat commented some of the wording toward him at the last meeting was derogatory toward him and didn't appreciate that, but he is willing to work with the Town.

A motion was made by Ms. Rozenich and seconded by Ms. Schieben to defer this matter to the November 15, 2023 meeting and to prepare the Demolition Order. Motion passed unanimously by roll-call vote:

Ms. Rozenich Aye
Ms. Schieben Aye

4. 7105 W. 128th Ave. Cagnina

Ms. Schieben stated the next order of business is for the property located in the vicinity of 7105 W. 128th Avenue.

Gino Cagnina, Oak Forest, IL commented he is focusing on this property first. The general contractor is getting together the quotes and he sent a rough drawing of what will be built. We are having a meeting with the architect tomorrow to get a plan in place.

Ms. Schieben asked what are we doing with 7109 W. 128th Avenue. Mr. Cagnina stated the middle of this home needs the most work and the other two sides of the house has a foundation, but needs work. He needs the financing from the first one to work on 7109 W. 128th Avenue.

Mr. Deutmeyer asked are the houses secured. Mr. Cagnina responded in the affirmative.

A motion was made by Ms. Rozenich and seconded by Ms. Schieben to defer this item for 30-days to the next meeting of November 15, 2023 with a definitive plan. Motion passed unanimously by roll-call vote:

Ms. Rozenich Aye
Ms. Schieben Aye

5. 7109 W. 128th Ave – Cagnina (2nd property)

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

Mr. Deutmeyer commented it is the Board's decision to keep this property on the active list or it can go on the Update Items.

October 18, 2023

A motion was made by Ms. Rozenich and seconded by Ms. Schieben to defer this item for 30-days to the next meeting of November 15, 2023. 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, commented he received the Title, but needs to be filed.

Mr. Gatto commented the house is secure. Ms. Rozenich asked if the outside is cleaned up. Mr. Steuer commented the cars still need to be removed.

Ms. Schieben asked what do they want to do with the property. Mr. Steuer stated he wants to sell, but the home and the garage need to be cleaned out.

Mr. Deutmeyer asked is there a timeframe to list the house on the market. Mr. Steuer commented in the Spring. Discussion ensued regarding the condition of the house and garage.

Mr. Gatto commented the meaning of “unsafe” includes a nuisance, anything that can depreciate the value of the properties around it.

Mr. Deutmeyer commented if they can come back with a plan of action, it gives the Board a better idea of what to do moving forward. Ms. Rozenich stated the property on the outside needs to be cleaned up.

A motion was made by Ms. Rozenich and seconded by Ms. Schieben to defer this item for 30-days and to give an update at the November 15, 2023 with a plan of action. Motion passed unanimously by roll-call vote:

Ms. Rozenich Aye

Ms. Schieben Aye

7. 13947 Hobart Street - Wease

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

Mr. David Dargo, on behalf of Mr. Patrick Wease, commented his client inherited this property and there was a fraudulent Quit Claim Deed that was executed and now is recorded under a fraudulent name. We had to file a Quiet Title Action against the person and we have executed a summons by publication and also a summons by sheriff. We requested the Quiet Title Action to be set for hearing. In correspondence with the Recorder’s Office, we believe an Affidavit of Evolution would solve this issue. The Recorder’s Office rejected the Affidavit. After the Quiet Title of Action is complete, my client wants to sell the property.

October 18, 2023

Mr. Deutmeyer asked if the Defendant in this case is Sadler, the publication was done and a summons was issued in September against another person. Mr. Dargo responded in the affirmative and we believe there is a tenant on one of the ancillary properties next to it.

Mr. Deutmeyer asked why is a hearing set and not move for default. Mr. Dargo commented no one has appeared and isn't sure why we are moving for default. Discussion ensued.

Mr. Dargo commented his client has cleaned up around the property and the house is boarded up and secure. Discussion ensued.

A motion was made by Ms. Rozenich and seconded by Ms. Schieben based on when the hearing will be to contact Ms. Abernathy or Mr. Deutmeyer and to appear at Unsafe Meeting after the hearing takes place with an update. Motion passed unanimously by roll-call vote:

Ms. Rozenich Aye

Ms. Schieben Aye

Potential Unsafe:

1. 7303 W. 129th Avenue – Fouch

Ms. Schieben stated the next order of business is for the property located in the vicinity 7303 W. 129th Avenue.

Ms. Abernathy stated this is a new potentially unsafe building. Mr. Gatto conducted a report and it does not look in good shape. We could send the owner a notice to appear at the next meeting and for Title Work to be ordered.

Mr. Deutmeyer commented we can order Title and there is a cost, but we can wait for the owner to appear at the next meeting before Title Work is ordered.

A motion was made by Ms. Rozenich and seconded by Ms. Schieben to order the owners to appear at the next meeting and move this item to the Active Unsafe. Motion passed unanimously by roll-call vote:

Ms. Rozenich Aye

Ms. Schieben Aye

2. 7500 W. 129th Lane - Torkelson

Ms. Schieben stated the next order of business is for the property located in the vicinity 7500 W. 129th Lane.

Ms. Abernathy stated this is a new potentially unsafe building. Mr. Gatto conducted a report. The last name on the property has changed from Torkelson to Barcewicz and he is intending to fix up the property.

A motion was made by Ms. Rozenich and seconded by Ms. Schieben to order for the owner to appear at the next meeting and move this item to the Active Unsafe. Motion passed unanimously by roll-call vote:

Ms. Rozenich Aye

Ms. Schieben Aye

October 18, 2023

3. 14616 Dewey Street – Frick

Ms. Schieben stated the next order of business is for the property located in the vicinity 14616 Dewey Street.

Ms. Abernathy stated this is a new potentially unsafe building. Mr. Gatto conducted a report and it does not look in good shape.

A motion was made by Ms. Rozenich and seconded by Ms. Schieben to order for the owner to appear at the next meeting and move this item to the Active Unsafe. Motion passed unanimously by roll-call vote:

Ms. Rozenich Aye

Ms. Schieben Aye

4. 14737 Bryan Street – Bodinet

Ms. Schieben stated the next order of business is for the property located in the vicinity 14737 Bryan Street.

Ms. Abernathy stated this is a new potentially unsafe building. Mr. Gatto conducted a report and it does not look in good shape and the garage is in terrible condition.

A motion was made by Ms. Rozenich and seconded by Ms. Schieben to order for the owner to appear at the next meeting and move this item to the Active Unsafe. Motion passed unanimously by roll-call vote:

Ms. Rozenich Aye

Ms. Schieben Aye

Update Items:

Ms. Abernathy commented for the 7512 W. 128th Lane property that has been in the background that we are waiting for the tax sale to finish and additional land acquisition. There is a hearing set for January 2024.

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

Ms. Abernathy commented they are working through the Plan Commission process of rezone and platting.

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)

6. 7109 W 146th Avenue – Heavner

7. W 127TH Lane – Town of Cedar Lake

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

PUBLIC COMMENT:

Mr. Jeff Bunge, 14619 Bell Place, commented there was a neighboring property, 7109 W. 146th Avenue, taken off of the Active Unsafe List. This item started last year with no resolution and it is disturbing that nothing has been done with this property. There are more critters living in this area and in this building.

Ms. Abernathy commented this is the Heavner property and he appeared at the August meeting requesting a Stay of the Stipulation Order that was signed and agreed to between him and the Town for the Town to take his house down because he was of the understanding, he can pay the Town back whenever he was able. It was explained to Mr. Heavner how the process works. Ms. Abernathy commented he is coming back to the November meeting.

Mr. Deutmeyer commented Mr. Heavner wanted to take the house down himself and not have the Town take the house down and put a lien the property.

Mr. Bunge commented Mr. Heavner has no intentions of doing anything with the property unless this Board does something about it.

Mr. Deutmeyer stated the issue is the timing and funding from the Town to get homes demolished.

Mr. Greg Parker, 14823 Morse Street, commented the house that was just talked about, the electrical for the property across the street was contingent on the house getting dealt with first. How did it get an electrical permit. Ms. Abernathy commented at a BZA meeting, it did not need approval, because it was for an existing structure that was approved in 1994.

Mr. Terry Broadhurst, 14513 Morse Street, commented the property at 7109 W. 146th Avenue, the owner blocked my road and access to my property before the property was put on the Unsafe List. The barn on this property had four Variances and one was to never have electric or a concrete floor. It was to be for dry storage only. Mr. Heavner has spent money on rebuilding the barn instead of taking down the house.

Ms. Abernathy commented the property at 7109 W. 146th Avenue was given a motion to Stay the Order for a 90-day deferral in August 2023. In November, that motion is over and the owner has to appear at the November meeting, so we can go forward with the process with the agreement that was signed or they have to take down the house.

Mr. Deutmeyer stated the motion was for a Stay of Execution Order to November 15, 2023. The Order is still there, the Town was not going to act on the Order in the 90-day time period. There are two issues with one being the unsafe building and demolition of that building and the other issue is all of the ancillary things that are going on in the neighborhood and it seems that the suggestion is code violations than unsafe issues. This should be directed to Code Enforcement. Discussion ensued.

ADJOURNMENT: Ms. Schieben adjourned the meeting at 6:34 pm.

TOWN OF CEDAR LAKE UNSAFE BUILDING DEPARTMENT

Donna Rozenich, Member

Vacant

Colleen Schieben, Chairwoman

ATTEST:

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 October 18, 2023