



CEDAR LAKE UNSAFE BUILDING DEPARTMENT MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
November 15, 2023, at 5:30 PM

CALL TO ORDER:

Ms. Schieben called the Unsafe Building Department meeting to Order at 5:32 PM on Wednesday, November 15, 2023 with its members attending on-site. The Pledge of Allegiance was recited by all.

ROLL CALL:

Members Present: Heather Dessauer, Member; Donna Rozenich, Vice Chairwoman, and Colleen Schieben, Chairwoman. 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

Nominations:

Ms. Schieben entertained nominations for Vice Chair. A motion was made by Ms. Dessauer and seconded by Ms. Rozenich to vote Donna Rozenich as Vice Chairwoman for the Unsafe Building Department. Motion passed unanimously by roll-call vote:

Ms. Rozenich Aye
Ms. Dessauer Aye
Ms. Schieben Aye

Minutes:

Ms. Schieben entertained a motion for the September 20, 2023 Unsafe Building Minutes; a motion was made by Ms. Dessauer and seconded by Ms. Rozenich to approve the same. Motion passed unanimously by roll-call vote:

Ms. Rozenich Aye
Ms. Dessauer Aye
Ms. Schieben Aye

November 15, 2023

Active Unsafe:

1. 11104 W. 133rd Avenue - Rahaw

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

Mr. Andrew Rahaw, 427 W. Oakley Avenue, Lowell, IN, commented most of the house is down and the foundation is still to come down. The birds are gone and the windows on the garage will be closed up.

Mr. Deutmeyer stated this should be deferred for one month and have one final check through.

Mr. Deutmeyer asked is the garage unsafe. Mr. Gatto commented the garage needs repairs, but a plan will be made to make repairs to the garage and a permit can be pulled. Mr. Rahaw commented the sewer will be capped.

A motion was made by Ms. Dessauer and seconded by Ms. Rozenich to defer this item to the next meeting on December 20, 2023 unless the house comes down beforehand and this can be removed from the agenda and the demolition permit can be extended. Motion passed unanimously by roll-call vote:

Ms. Rozenich Aye

Ms. Dessauer 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.

Mr. Junior Martin, 2701 W. 45th Street Avenue, Gary, IN, commented there have been some issues with the structural engineer and he wants a list from the Building Inspector of what he needs to evaluate so we can move forward.

Mr. Gatto commented he spoke with the structural engineer and stated we issued a Demolition Permit for the interior so the structure could be exposed and they can see what work will need to be done. It was also discussed that we do not make lists of what needs to be done.

Ms. Schieben asked if the structural engineer has inspected the property. Mr. Martin responded in the negative. Discussion ensued. Mr. Gatto commented Olson was hired as the general contractor, and they are the ones that pulled the permit for the interior demolition which was a 30-day permit and expired October 15, 2023.

Ms. Schieben stated Olson will need to come back and apply for another permit.

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A motion was made by Ms. Dessauer and seconded by Ms. Rozenich to defer this item for 30-days with the understanding of getting a new Demolition Permit. Motion passed unanimously by roll-call vote:

Ms. Rozenich Aye

Ms. Dessauer 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 house is still listed for sale.

Ms. Abernathy commented last month the Title Work was ran and we had an initial Demolition Order created.

Mr. Deutmeyer commented there was a 30-day extension with directives for us to prepare the Demolition Order because he wanted to list the property and we still needed the Title which gave him another 30-days to see if it progressed. We have the Order prepared and discussed the demolition order procedure, including recording the affirming Demolition Order.

Ms. Dessauer asked was the house going to be repaired originally. Mr. Parat commented he wasn't sure what he wanted to do, but the garage is down and we cleaned up the property on the outside.

Ms. Abernathy commented the reason for the Demolition Order process was so we could get it recorded and provide additional protection for the Town so it is not undisclosed that this is an unsafe property. Discussion ensued regarding the Demolition Order.

Mr. Deutmeyer stated if the Initial Order was issued tonight, there would be until December 19, 2023 to take it down. A hearing would be on December 20, 2023 and if it weren't taken down, then the Affirmation Order would be issued, which the Town couldn't do anything until that Order was issued. Discussion ensued regarding the unsafe property and meeting the criteria under Indiana Code.

Ms. Dessauer asked what should be done with the property. Mr. Parat commented he wants more time to sell the house.

Ms. Abernathy stated if the Affirmation Order is passed at the December 20, 2023 hearing, it will go on the list with the other properties that are awaiting demolition.

Mr. Parat commented if a buyer is to buy the house, do they have the opportunity to fix the house. Mr. Deutmeyer commented they can come in front of the Board and present their plans and timelines. The Board can set parameters for them.

Mr. Parat commented he would like another month to try and sell the house. Ms. Dessauer stated if we issue the Demolition Order today, that would be for 30-days and timeline wise, nothing will get demolished until the Spring.

Mr. Deutmeyer stated if we issued the Order tonight and the house is sold before the next meeting; it is a non-issue.

A motion was made by Ms. Rozenich and seconded by Ms. Dessauer to issue the initial Demolition Order. Motion passed unanimously by roll-call vote:

Ms. Rozenich Aye
Ms. Dessauer 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.

Mr. Luigi Cagnina, 16120 S. Forest Avenue, Oak Forest, IL and Mr. Justin Keith, 9032 Mallard Lane, Advance Skyline Homes, stated he is the general contractor and we have preliminary drawings, but the existing structure will be demolished and we will build a new home.

Ms. Schieben asked if there will be plans at the next meeting. Mr. Keith responded in the affirmative. Discussion ensued.

Ms. Dessauer asked how long do you need to demolish the house. Mr. Keith responded six weeks.

Mr. Gatto commented the new setbacks need to be the same as the old setbacks because we have to meet the Ordinance.

Ms. Dessauer asked is there not a way to make an agreement and to not hold up the demolition of the property. Mr. Gatto commented there is six months to rebuild a home; otherwise, after the six months, it would go back to the zoning regulation. Ms. Dessauer commented if they demolish the property and comes in with a building plan right after, this will start the six months of building a new home with the same footprint and setbacks. Discussion ensued.

A motion was made by Ms. Dessauer and seconded by Ms. Rozenich to defer this item for 60-days, and from application a 30-day Demolition Permit and getting the survey completed. Motion passed unanimously by roll-call vote:

Ms. Rozenich Aye
Ms. Dessauer 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.

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

Ms. Rozenich Aye

Ms. Dessauer 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, 249 South Chase Drive, Crown Point, IN, commented the paperwork is in his and his sister's name and the paperwork has to be filed with the County. We removed some items from the home, but we need to remove more items. We will be getting an appraisal and we are going to try and sell the home in the near future.

Mr. Deutmeyer asked are the windows on the house boarded up. Mr. Steuer commented on the house and on the garage.

Ms. Dessauer commented there are items in the yard that need to be removed. Mr. Steuer commented they will sell the property as is.

Mr. Deutmeyer stated Mr. Steuer will need to come back and let the Board know what the plan is going to be.

A motion was made by Ms. Dessauer and seconded by Ms. Rozenich to defer this item for 60-days and to give an update at the January 2024 meeting with a plan. Motion passed unanimously by roll-call vote:

Ms. Rozenich Aye

Ms. Dessauer 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.

Ms. Abernathy commented nobody is present, but last month they appeared with a report that they were going for a hearing, but it does not look like the hearing has occurred.

Mr. Deutmeyer commented this is the property where the neighbor allegedly deeded the property to himself unbeknownst to Mr. Wease, who has since passed away. A lawsuit was filed against the person that deeded it to himself, but there has been no activity since the Proof of Service.

Mr. Deutmeyer commented we have not run Title on this property.

Ms. Dessauer asked is someone living in this home. Mr. Gatto responded it didn't look like it. Discussion ensued.

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A motion was made by Ms. Dessauer and seconded by Ms. Rozenich to defer this item for 30-days and have an Order for the owner appear at the December 20, 2023 meeting. Motion passed unanimously by roll-call vote:

Ms. Rozenich Aye

Ms. Dessauer Aye

Ms. Schieben Aye

8. 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.

Mr. Roger Fouch, 7303 W. 129th Avenue, commented he wants to keep the building.

Ms. Dessauer commented the first concern is the foundation and she asked if the foundation has been looked at. Mr. Fouch responded in the negative, but commented he reinforced it with four by fours.

Ms. Rozenich asked is there a current permit to do the siding. Mr. Fouch responded in the negative. Discussion ensued regarding permits to do any work on the outside of the home.

A motion was made by Ms. Dessauer and seconded by Ms. Rozenich to defer this item for 60-days with a plan to move forward with this property. Motion passed unanimously by roll-call vote:

Ms. Rozenich Aye

Ms. Dessauer Aye

Ms. Schieben Aye

9. 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 commented they are not present, but they did reach out and would like a 30-day referral.

A motion was made by Ms. Dessauer and seconded by Ms. Rozenich defer this item to the December 20, 2023 meeting. Motion passed unanimously by roll-call vote:

Ms. Rozenich Aye

Ms. Dessauer Aye

Ms. Schieben Aye

10. 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 commented nobody is present, but they received notice to appear.

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Ms. Dessauer asked what is the concern with this property. Ms. Schieben commented somebody complained and Mr. Gatto made a report.

Ms. Abernathy stated last month it was on the Potential Unsafe List and it did meet the criteria that the house is unsafe. I sent the notice for them to appear at this meeting and I received the green card back.

Mr. Deutmeyer commented we can order Title and Ms. Abernathy can send another Notice to Appear.

A motion was made by Ms. Dessauer and seconded by Ms. Rozenich to defer this item for 30-days and to have the owners appear at the December 20, 2023 meeting. Motion passed by roll-call vote: 2-ayes, to 1-nay.

Ms. Rozenich Aye

Ms. Dessauer Aye

Ms. Schieben Nay

11. 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 commented nobody is present, but they received notice to appear and I received the green card back.

Discussion ensued regarding ordering Title on properties.

A motion was made by Ms. Dessauer and seconded by Ms. Rozenich to defer this item for 30-days and to have the owners appear at the December 20, 2023 meeting. Motion passed by roll-call vote: 2-ayes, to 1-nay.

Ms. Rozenich Aye

Ms. Dessauer Aye

Ms. Schieben Nay

12. 7109 W. 146th Avenue – Heavner

Ms. Schieben stated the next order of business is for the property located in the vicinity 7109 W. 146th Avenue.

Mr. Josh Heavner, 115 N. Grant Street, Crown Point, IN commented we have plans in January to bring in dumpsters and equipment and will then start taking down the house.

Ms. Dessauer asked is anyone living on this property. Mr. Heavner responded in the negative.

Mr. Austgen commented this has been on the agenda since August 2022. A commitment has been made and some commitments have not been fulfilled. There are a couple of things that are legal and community in nature. This is old Cedar Lake and there is lack of care, maintenance and compliance. At the last meeting, there were neighbors that spoke about the circumstances they live with and the quality of life. This house on this property cannot wait to come down.

Mr. Austgen commented this gentleman implies that he doesn't have to do anything on his schedule or our schedule because he has relationships here. In January of 2023, an agreement was made that wasn't fulfilled. There are pictures showing that someone is living on the premises. There is a condition that is horrid and that is what unsafe is about. Discussion ensued and Mr. Austgen handed out copies of pictures of the house and the minutes from August 2022 to the present to the Board.

Mr. Austgen stated at one of the meetings there was explanation that there were fund issues. There is a camper on this property. We cannot go backwards here in Cedar Lake and this is going backwards. Discussion ensued.

Ms. Dessauer asked how to we proceed with this in the most efficient way. Mr. Austgen stated his suggestion about funding is to return this to the Clerk Treasurer and for her to work this out with the Director of Operations.

Ms. Dessauer asked what motion should be made. Mr. Austgen asked is there a Demolition Order still in effect. Ms. Abernathy commented there was a 90-day Stay of Execution to appear back in front of the Board to either present evidence that the house was demolished or going to be demolished within a month of the meeting or the Board would then determine whether or not the Stay was going to be extended. Mr. Deutmeyer stated the Stay was for the agreement that Mr. Heavner entered into in January of 2023 for the Town to take it down. The Stay is now expired and the Board would have to decide if the Stay will be extended. If it does not get extended, the original agreement by Mr. Heavner stands and the Town can proceed with the demolition based upon his agreement that the property needs to come down.

Mr. Heavner commented the house needs to come down and he is not here to defend himself. I have not at any point said that I have connections in Cedar Lake and that I can do whatever I want. This has turned into slander at this point and nobody is living on the property, but I do spend a lot of time on the property.

Mr. Austgen stated there was an agreement with the Town and the Agreement was reneged on. Mr. Heavner commented the Town had it for eight months, but he thought he would have been able to take it down. Mr. Austgen commented the Town is not responsible for taking down this building.

Ms. Schieben asked if we do not continue the Stay and we put it back on the Town and it sits can Mr. Heavner take it down. Mr. Deutmeyer commented he can apply for a permit and take the house down. Discussion ensued regarding the process of taking down the house.

A motion was made by Ms. Dessauer and seconded by Ms. Rozenich that the Stay is not extended. Motion passed unanimously by roll-call vote:

Ms. Rozenich Aye
Ms. Dessauer Aye
Ms. Schieben Aye

Potential Unsafe:

1. 14714 Dewey Street – Urban James Linden

Ms. Schieben stated the next order of business is for the property located in the vicinity 14714 Dewey Street.

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Ms. Abernathy commented this is a new item on the agenda and there is a report that was completed. If it is the Board's decision, this property can be moved to Active Unsafe.

A motion was made by Ms. Dessauer and seconded by Ms. Rozenich to move this item to Active Unsafe and order for the owner to appear at the January 2024 meeting. Motion passed unanimously by roll-call vote:

Ms. Rozenich Aye

Ms. Dessauer Aye

Ms. Schieben Aye

Update Items:

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. 7029 W. 135th Avenue - Ward

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

7. W 127TH Lane – Town of Cedar Lake

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

PUBLIC COMMENT:

Ms. Donna Corey, 14605 Bryan Street, commented my neighbor lives at 14523 Bryan Street and the house is unsafe and unkept. The trees are unsafe and many branches have fallen down. Ms. Schieben commented our inspector will go out and take a look at the property.

Mr. Terry Broadhurst, 14513 Morse Street, commented the property at 7109 W. 146th Avenue had a Variance granted to put electric in the barn on the basis that the house was torn down first. There is electric and gas in the barn and the house is still standing. Discussion ensued regarding how decisions get made.

ADJOURNMENT: Ms. Schieben adjourned the meeting at 7:16 pm.

TOWN OF CEDAR LAKE UNSAFE BUILDING DEPARTMENT

Jeff Biel, Member

Heather Dessauer, Member

Rich Thiel, Member

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 November 15, 2023