



CEDAR LAKE UNSAFE WORK SESSION MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
January 17, 2024 at 5:30 pm

Call To Order:

Mr. Thiel called the Unsafe Work Session to order on Wednesday, January 17, 2024, at 5:30 pm with its members attending on-site. The Pledge of Allegiance was said by all.

Roll Call:

Members Present via Zoom: none

Members Present On-Site: Heather Dessauer, Vice Chairperson; Rich Thiel, Chairperson; Jeff Biel, Member. A quorum was attained. **Also present:** Jennifer Sandberg, Clerk-Treasurer (present at 5:39 pm); Tony Gatto, Building Inspector; Ashley Abernathy, Planning Director; Ryan Deutmeyer, Town Attorney; and Cheryl Hajduk, Recording Secretary.

Absent: None

Work Session:

Mr. Thiel stated the purpose of cancelling the Unsafe Building Meeting is to take another look at some Ordinances and to figure out budgets.

Mr. Thiel commented we would like to discuss Unsafe Processes and Procedures.

Mr. Gatto stated it appears that the Unsafe Statute states there are fine structures and that there are 60-day limits that people were bound to.

Ms. Dessauer commented the goal is for the Town to figure out a way to have more money to do more smart things as far as the unsafe properties. We have Code Enforcement that issues fines, but we do not.

Mr. Thiel stated if there were fines in place to start, that maybe they wouldn't be on the agenda if it were something in conjunction with Unsafe Building and Ordinance Officer going out and having a first initial contact could avoid a lot of money being spent. If a fine can be imposed, maybe it can avoid people coming onto the Unsafe List.

Mr. Deutmeyer stated imposing fines is not something we have done in the past. There is a possibility of fining someone amount not in excess of \$5,000 and that fine is contingent upon the hearing authority finding that there is a willful failure to comply with an Order. To get to that point, we would have to issue the Order and Affirmation Order, and then the Hearing Authority would have to fine that person that

didn't comply. In other words, they didn't knock it down or didn't remedy the unsafe condition of the property.

Ms. Dessauer asked should it get that far. Mr. Deutmeyer stated this would be two separate issues. There might not be a way to segregate out Code Enforcement fines from unsafe conditions. Discussion ensued.

Ms. Dessauer commented it starts with unkept exterior and would fall under Code Enforcement issues, would fall under the Zoning Code.

Mr. Gatto commented the International Property Management Code keeps properties from getting dilapidated, but Indiana has not adopted this. Mr. Deutmeyer commented the Nuisance Code can be enforced against property owners. Discussion ensued.

Ms. Dessauer asked what is under the umbrella for the Code Enforcement Department. Ms. Abernathy they are under the Police Department and it is a part-time employee. Ms. Sandberg commented the Code Enforcement Officer works no more than 25 hours a week. Discussion ensued in length regarding the Code Enforcement Officer.

Discussion ensued regarding fines and unsafe building versus code violations. Ms. Dessauer stated she doesn't know how to split up the work between Code Enforcement and Unsafe Building violations.

Discussion ensued regarding grant money.

Ms. Dessauer asked is it feasible to enforce fines. Mr. Gatto commented we cannot control the amount of work we have per day. Mr. Gatto commented maybe if we had a structured list to look at for unsafe items when we have extra time.

Ms. Abernathy stated having a Policy or Ordinance in place will help cover if a person calls and says "why did I get this fine" and the Ordinance can be referred to.

Ms. Dessauer asked if the Unsafe Department has a budget. Mr. Deutmeyer commented it is a limited budget and does not know what the specifics are of the budget.

Ms. Sandberg stated currently any Ordinance violations and any fines received get put directly into the General Fund. For anything to go into an Unsafe Fund, when the type of Ordinance you are wanting for Town Council's approval, within that Ordinance, have the established of an Unsafe Non-Reverting Fund. Currently, Unsafe is a function of the Planning, Zoning and Building Department. Under the PZB's budget, there are line items, supply line items and a services line item. Discussion ensued regarding where money is taken out from to pay for items.

Discussion ensued regarding lien processes on properties.

Mr. Thiel commented he is trying to figure out how we transition from current list that we have to where we are today with putting everybody on hold with this and trying to get things in order with implementing Policies and Ordinances.

Ms. Dessauer commented if the Building Department has the time right now to implement fines and can get some revenue coming in. Mr. Deutmeyer commented the fund needs to be established and the Ordinance in place to allocate the fund and the fine amounts for that particular violation to the Building Department.

Discussion ensued when the Ordinance can get established.

Mr. Deutmeyer commented on the general nuisance violation and maybe that can be a reallocation of the fines related to general nuisance going to the Unsafe Building Commission versus dropping into the general fund where they currently go. Having done Cedar Lake Town Court for many years, general nuisance claims are not frequently used. Ms. Dessauer asked what does that mean. Mr. Deutmeyer commented it is not a violation that ends up being written.

Ms. Sandberg commented Mr. Carnahan and Mr. Thiel can explain to the Town Council that there will be two Ordinances, one establishing the Unsafe Non-Reverting Fund and an Amendment to the original Ordinance was that established the nuisance violations and how they are receipted. That will need to be updated in order to say that anything written for nuisance violation codes, that Ordinance will have to be amended stating any receipts for it are turned around and deposited into the Non-Reverting Fund as opposed to the General Fund.

Mr. Carnahan commented the Ordinance that is on the books will have to be amended first and then create a new Ordinance.

Mr. Thiel asked what is the best route for us to proceed with the current active unsafe list. The awaiting demolition is still going to be awaiting demolition. Mr. Deutmeyer commented there aren't any Demolition Orders entered on or contemplated on, other than the ones that are currently pending. Ms. Abernathy commented there is one house. Discussion ensued.

Ms. Dessauer asked about a foreclosure of a property. Mr. Deutmeyer stated this would be a case by case because it depends on what the Title Work shows on each particular property. If a house is knocked down, there is Title Work on it and if there is a mortgage on it or the person has federal tax liens. Discussion ensued.

Mr. Thiel commented if something comes out of the General Fund now and by creating those funds and the Ordinance for General Nuisance, I don't want to wait however long it takes if there is a fine until there are enough funds to tear a house down, because we wouldn't be better off than we currently are, and asked how to create that non-reverting fund to have a budgetary item going for that fund. Ms. Sandberg stated non-reverting funds do not have a set budget for it because there isn't a set revenue source. The revenue source is the fines and fees, but we can estimate how many violations the Building Department will write in a month or three months, but you cannot bank on that non-reverting fund. Town Council will need to decide and in conjunction with conversation with the Unsafe Board is when the Bird house came down, that was done by the Operations Director and Public Works. The majority of that was based on Public Works items. A couple of things were paid out of the Unsafe services line, but the equipment and other miscellaneous supplies came from Public Works coffers. Town Council will need to be aware of the majority will come from Public Works. Discussion ensued.

Ms. Sandberg stated Town Council along with Unsafe should discuss the ones that need to be demolished and if it will continue being in-house service or if Council chooses to prioritize it and makes it part of the budget for the ensuing years and what kind of budget is that going to look like.

Mr. Thiel asked can we bid all the houses out for demolition. Mr. Deutmeyer read the provision stating “the work may be performed by a contractor who has been awarded a base big contract to perform the work for the enforcement authority or by the department unit’s enforcement authority.” Discussion ensued.

Ms. Dessauer asked how do properties come onto the potentially unsafe list. Ms. Abernathy commented if we get a call, we take down the address and one of our building inspectors will take a look when they have a chance to do so. A report and pictures will be taken if the house is unsafe or a nuisance.

Ms. Dessauer asked who decides what is on the agenda. Ms. Abernathy stated Mr. Gatto and I will discuss which are the ones are the worst out of all of them and discussions with the Chairperson. The Chairperson has the final say on what goes on the agenda. Discussion ensued regarding past agenda items when they would come up month after month.

Ms. Abernathy commented as of right now there are 20 properties total on the Unsafe List. Mr. Gatto commented he has his own list of properties and most of them are vacant.

Ms. Dessauer asked can we issue general nuisance fines for these properties. Mr. Gatto responded in the affirmative.

Ms. Dessauer commented if there can be a fund created, Ordinances updated, a general nuisance fine and able to be issued so money can come into the non-reverting fund then we can use it for the big items, coupled with some sort of foreclosure process on the properties that make sense. Mr. Deutmeyer stated there are at least four or five liens out there and at least one of them was sold at tax sale and there are others that we would need to find out what the status is. There is the possibility that some of the properties can get foreclosed on. Discussion ensued.

Discussion ensued regarding the Town offering property owners to take their home down in the Unsafe Building Department Meetings and then having a lien on the property.

Mr. Thiel commented we are planning on having our regular Unsafe meeting on February 21, 2024.

Ms. Abernathy commented she worked with the IT Director and created an unsafe database and in that database, any of our active items get plugged in. We have it set up that the Unsafe Board can be provided weekly, bi-weekly, monthly updates from that unsafe database about any communications that the unsafe owner may have had and I make a note in the database.

Mr. Carnahan asked does all of the Town Council members get the Unsafe package with the pictures. Ms. Abernathy commented at the start of this year all mailing lists were updated so that all Council members receive all packets from any of the Boards I serve.

Mr. Deutmeyer gave a summary of how the Unsafe process works. Mr. Thiel asked if the summary can be put in a written memorandum. Mr. Deutmeyer responded in the affirmative.

Ms. Abernathy stated she sends out two different mailings to the same person at the same time advising them that their presence is requested at an Unsafe Meeting and however often the Unsafe Board directs me to send out notices that is how often I send out notices.

Mr. Gatto commented when we start putting fines together and when a permit is issued for repairs and nothing happens and the house is unsafe, the concern is when there is a fine, will there be time for the repairs to be done.

Adjournment: Mr. Thiel adjourned the meeting at 6:57 pm.

TOWN OF CEDAR LAKE UNSAFE BUILDING

Rich Thiel, Member

Heather Dessauer, Member

Jeff Biel, 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 January 17, 2024