



CEDAR LAKE UNSAFE PUBLIC MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
February 21, 2024 at 5:30 pm

Call To Order:

Mr. Thiel called the Unsafe Public Meeting to order on Wednesday, February 21, 2024, at 5:31 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: Jeff Biel, Member; Heather Dessauer, Vice Chairperson; and Rich Thiel, Chairperson. A quorum was attained. **Also present:** Tony Gatto, Building Inspector; Ashley Abernathy, Planning Director; Ryan Deutmeyer, Town Attorney; and Cheryl Hajduk, Recording Secretary.

Absent: None

Nomination of Officers:

A motion was made by Ms. Dessauer and seconded by Mr. Biel to appoint Rich Thiel as Chairperson. Motion passed unanimously by roll-call vote:

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|--------------|-----|
| Mr. Biel | Aye |
| Ms. Dessauer | Aye |
| Mr. Thiel | Aye |

A motion was made by Mr. Biel and seconded by Mr. Thiel to appoint Heather Dessauer as Vice Chairperson. Motion passed unanimously by roll-call vote:

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| Mr. Biel | Aye |
| Ms. Dessauer | Aye |
| Mr. Thiel | Aye |

Minutes:

Mr. Thiel entertained a motion for the November 15 2023; December 20, 2023 Unsafe Building Minutes and January 17, 2024 Work Session Minutes; a motion was made by Ms. Dessauer and seconded by Mr. Biel to approve the same. Motion passed unanimously by roll-call vote:

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|--------------|-----|
| Mr. Biel | Aye |
| Ms. Dessauer | Aye |
| Mr. Thiel | Aye |

Active Unsafe:

1. 8120 Lake Shore Drive – Bank Shots Bar & Grill (Formerly Schane’s Bar & Grill)

Mr. Thiel stated the first order of business is for the property located in the vicinity of 8120 Lake Shore Drive.

Mr. Joe Lopez, 8120 Lake Shore Drive, commented our architect has been going to the Plan Commission Meetings to get the Concept Plan approved. We are waiting to hear back to see what our next step is and to move forward with building. The parking has been a problem.

Ms. Abernathy commented they have been at the Plan Commission Meetings and they presented Concept Plans with different parking plans. There has been concern of the amount of seating inside and the amount of parking outside.

Mr. Lopez commented maybe we can do different stages of building with other plans in the future.

Mr. Thiel commented it was the upper floor plan that increased the extra parking.

Ms. Abernathy stated from the January 3, 2024 meeting, if they were to do the first floor only, this would only require 16 spaces. Discussion ensued regarding plans for the future of the building.

A motion was made by Ms. Dessauer and seconded by Mr. Biel to give a 30-day deferral to the next meeting on March 20, 2024. Motion passed unanimously by roll-call vote:

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|--------------|-----|
| Mr. Biel | Aye |
| Ms. Dessauer | Aye |
| Mr. Thiel | Aye |

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

Mr. Thiel 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.

Ms. Dessauer gave a brief history of this property.

3. 7308 W 138th Place – Parat

Mr. Thiel 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 was present via zoom.

Ms. Abernathy commented at the December Unsafe Meeting, this item was deferred and was continued for public hearing in January if the Unsafe Board wanted to move forward with the Affirmation of Demolition Order. At the December meeting, Mr. Parat was still looking into selling the house, but he was also going to do some remodeling work on the property.

Mr. Deutmeyer stated the Unsafe Building Law has a mechanism that allows a municipality to record its Orders and if we do not take it to the Lake County Recorders Office, the Title Company will not pick it up. No Order has ever been recorded. Mr. Parat has been at every meeting and there have been discussions with intent as to why things would happen in terms of getting the Order in place and getting it recorded. The requirements in the Statute that Mr. Parat has to convey information about the Unsafe Building proceedings to a potential buyer. In December, the Board had issued the Initial Unsafe Order because it was up for the affirming Order, which would be recorded. At that meeting, Mr. Parat wanted an additional continuance and the property has been previously been listed.

Mr. Parat commented the tenant has moved out.

Ms. Dessauer asked is there anyone interested in the buying the property. Mr. Parat commented there has been some interest with a potential offer on the home and he is asking for a deferral to the next meeting.

Mr. Thiel commented the yard could be cleaned up. Mr. Parat commented there are only minor things in the yard that need be cleaned up.

A motion was made by Ms. Dessauer and seconded by Mr. Biel for a 30-day deferral to the next meeting on March 20, 2024. Motion passed unanimously by roll-call vote:

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|--------------|-----|
| Mr. Biel | Aye |
| Ms. Dessauer | Aye |
| Mr. Thiel | Aye |

4. 13947 Hobart Street – Wease

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

Attorney David Dargo, 5985 E. 1015 North, Demotte, IN, on behalf of Patrick Wease, commented previously there was fraudulent conveyance on this property and my client could not do anything with the property until this was taken care of. We filed Preliminary Action and Quiet Title Action against the fraudulent conveyer and we secured the Default Judgment against him and in the past two weeks. My client wants to get this listed and sold as quickly as possible. There is a final hearing scheduled and the property is intended to be transferred. Discussion ensued regarding where the property is in the legal process.

Ms. Dessauer commented if there is an update on the property before the 90-days, to give an update to Mr. Deutmeyer.

A motion was made by Ms. Dessauer and seconded by Mr. Biel for a 90-day deferral to the May 15, 2024 meeting. Motion passed unanimously by roll-call vote:

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| Mr. Biel | Aye |
| Ms. Dessauer | Aye |
| Mr. Thiel | Aye |

5. 7105 W. 128th Avenue – Cagnina

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

Mr. Luigi Cagnina, 7105 W. 128th Avenue, commented he has a new builder and the builder came in to try and get permits. We want to demolish this property and 7109 W. 128th Avenue, but this has not been scheduled yet.

Ms. Dessauer asked if the new builder is licensed with the Town. Ms. Abernathy commented not as of yet. Discussion ensued what is needed from the builder to be licensed with the Town.

Mr. Thiel asked can a Demolition Permit be given before the next meeting. Ms. Abernathy commented in a motion that any permit submitted, and they can ask for 30, 60 or 90 days and submit the permit so we can put that on without a time limit by the Board.

Ms. Dessauer commented it would be a 30-day deferral with the understanding of they come in for a permit, they would be issued a 30-day Demolition Permit. If the houses come down before the next meeting, you would not need to come to the next meeting.

A motion was made by Ms. Dessauer and seconded by Mr. Biel to give a 30-day deferral with the understanding if the contractor comes in the meantime, we will approve a 30-day Demolition Permit. Motion passed unanimously by roll-call vote:

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| Mr. Biel | Aye |
| Ms. Dessauer | Aye |
| Mr. Thiel | Aye |

6. 7109 W. 128th Avenue – Cagnina

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

A motion was made by Ms. Dessauer and seconded by Mr. Biel to give a 30-day deferral with the understanding if the contractor comes in the meantime, we will approve a 30-day Demolition Permit. Motion passed unanimously by roll-call vote:

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|--------------|-----|
| Mr. Biel | Aye |
| Ms. Dessauer | Aye |
| Mr. Thiel | Aye |

7. 13941 Morse Street – Steuer

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

Ms. Abernathy gave a brief history of this property.

Mr. Hansel Steuer, 249 South Chase Drive, Crown Point, IN, commented we received an appraisal for the property and removed items from the home. We will also look into possibly demolishing the home.

Ms. Dessauer asked if the outside items can be removed. Mr. Steuer commented we will try and remove more items on the outside.

A motion was made by Ms. Dessauer and seconded by Mr. Biel to move this to an Update Item and to update the Building Department with progress on the property. Motion passed unanimously by roll-call vote:

Mr. Biel Aye
Ms. Dessauer Aye
Mr. Thiel Aye

8. 7303 W. 129th Avenue – Fouch

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

Ms. Abernathy commented nobody is present. Since the last meeting, a building permit was submitted to repair the foundation. We are holding it pending a time length approved by the Unsafe Board for how long he can have the building permit for.

Discussion ensued regarding how bad the foundation is and the condition of the deck.

Mr. Biel asked does he need a contractor’s license to get a permit to do the foundation work. Mr. Gatto responded if he owns the house, he is permitted to do anything on his own house.

A motion was made by Ms. Dessauer and seconded by Mr. Biel to give a 30-day deferral and the Planning Director will give Notice to the owner to appear at the next meeting. Motion passed unanimously by roll-call vote:

Mr. Biel Aye
Ms. Dessauer Aye
Mr. Thiel Aye

9. 7500 W. 129th Lane – Barcewicz (Formerly Torkelson)

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

Ms. Abernathy commented Mr. Barcewicz was given a deferral to the February meeting to come up with a Scope of Work of what he would like to do with the property. His intentions are to repair and fix up the house.

Mr. Bart Barcewicz, 7500 W. 129th Lane, commented we cleaned up debris on the outside and squatters were living in the house previously. We will be repairing and replacing siding, fascia, and soffits. The windows will need to be replaced and any drywall will get replaced, if needed. Discussion ensued regarding the other items that need repair.

A motion was made by Ms. Dessauer and seconded by Mr. Biel to apply for a permit before the April 17, 2024 meeting and to defer this matter to the July 17, 2024 meeting with the permit expiring on July 17, 2024 and to give the Building Director an update of the progression of work being done before the June 19, 2024 meeting. Motion passed unanimously by roll-call vote:

Mr. Biel Aye
Ms. Dessauer Aye
Mr. Thiel Aye

10. 14616 Dewey Street – Frick

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

Ms. Abernathy commented nobody was present. Mr. Deutmeyer stated he will reach out to his attorney.

A motion was made by Ms. Dessauer and seconded by Mr. Biel to give a 30-day deferral with the understanding of contacting Mr. Frick’s attorney. Motion passed unanimously by roll-call vote:

Mr. Biel Aye
Ms. Dessauer Aye
Mr. Thiel Aye

11. 14737 Bryan Street – Land Trust

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

Ms. Abernathy commented they submitted a Building Permit to demolish the garage on the property a week ago and the contractor and the owner representative have been advised that they were supposed to apply for that back in December and the permit never came through and to wait until this meeting for a new time period to be set in order for the permit to be able to be released.

Ms. Terava, 1110 Highland Street, Highland, IN, commented the new owners of the property are in the process of wanting to get the permit to demolish the garage. All of the debris has been removed on the outside and the furniture in the inside of the home has been removed. The property will be sold as is.

Ms. Dessauer asked why has the permit not been pulled. Ms. Terava commented they had a hard time finding someone reliable to come to the area to get this done.

Ms. Abernathy commented the contractor submitted the Building Permit and they have contacted the Building Department and they were told they need a time period on this, because the property being on the Unsafe List. They also need to get licensed with the Town. Discussion ensued.

A motion was made by Ms. Dessauer and seconded by Mr. Biel to give a 30-day deferral to the March 20, 2024 meeting with the understanding the garage will be demolished by then. Motion passed unanimously by roll-call vote:

Mr. Biel Aye
Ms. Dessauer Aye
Mr. Thiel Aye

12. 14717 Dewey Street – Urban James Linden

Mr. Thiel stated the next order of business is for the property located in the vicinity of 14717 Dewey Street.

Mr. Urban James Linden, 14714 Dewey Street, asked what does he need to do to start the process. Mr. Thiel commented the garage is in bad shape. Ms. Dessauer commented we were hoping a contractor would have been found to help demolish the garage.

Discussion ensued regarding contractors and doing work on someone's property.

Ms. Dessauer commented we were concerned from talks at the last meeting that the garage was going to come down by yourself. Discussion ensued.

Mr. Parker suggested this situation is very dangerous and the garage is ready to fall down. This is an emergency situation and possibly get an agreement for the Town to go and take the garage down and the owner agrees to pay for the cost of taking it down.

Mr. Deutmeyer stated emergency provisions exist under the Statute.

Mr. Linden commented the photos of the property were taken in December 2022 and this was just first mentioned in December 2023. There is a safety reason and I would like to get it taken care of.

Mr. Deutmeyer stated under the Statute, there is no necessity of entering an Order for an emergency situation and there would need to be a determination by the Board that the action is necessary of the life, safety or property of others.

Mr. Thiel asked would Mr. Linden only need an understanding that the Town would go and demolish the garage. Mr. Deutmeyer commented a notification can be sent to the owner identifying the emergency situation and what action will take place.

Mr. Linden commented he didn't see a reason as to why he cannot remove the hazardous materials out of the garage. Mr. Biel commented it is about a person's safety, but it is their property. Discussion ensued.

Mr. Deutmeyer stated the Board can declare this is an emergency situation and direct us to prepare a Letter of Notice to the property owner and inform him that the exigent work would be completed by the Town with a set period of time, probably within a few weeks. Or, this item can be deferred for 30-days and if the garage is not down the day before the next meeting, the emergency will be declared.

A motion was made by Mr. Biel and seconded by Ms. Dessauer to give a 30-day deferral to permit Mr. Linden to demolish the garage on his own with a deadline of March 19, 2024; if the garage is not taken down by March 19, 2024, the Town and the Unsafe Commission will determine this is an emergency and the Town will demolish the garage under applicable Indiana Law. Motion passed unanimously by roll-call vote:

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| Mr. Biel | Aye |
| Ms. Dessauer | Aye |
| Mr. Thiel | Aye |

Potentially Unsafe:

1. 13713 Parrish Avenue – Diamond Peak Homes LLC

Mr. Thiel stated the first order of business is for the property located in the vicinity of 13713 Parrish Avenue.

Ms. Abernathy commented at the December Unsafe Meeting, a report was made by a concerned citizen of an old barn that is on Parrish Avenue, just north of Beacon Pointe. If the Board felt it was unsafe, a Notice would go out to the owner and it would be moved to the Active Unsafe and they would appear at the next meeting.

Ms. Dessauer commented by seeing the condition, it should be moved to the Active Unsafe and there are new owners.

A motion was made by Ms. Dessauer and seconded by Mr. Biel to order the owners to appear at the next meeting on March 20, 2024 and this item will be moved to the Active Unsafe. Motion passed unanimously by roll-call vote:

Mr. Biel Aye
Ms. Dessauer Aye
Mr. Thiel Aye

2. 14523 Bryan Street – Cox

Mr. Thiel stated the next order of business is for the property located in the vicinity of 14523 Bryan Street.

Ms. Abernathy commented at the November Unsafe Meeting, a concerned citizen made a report to the Unsafe Board. Mr. Gatto commented he conducted a report and the back porch of this property was put on without a permit, there is a lot of debris in the yard and this home is occupied.

A motion was made by Ms. Dessauer and seconded by Mr. Biel to order the owners to appear at the next meeting on March 20, 2024 and this item will be moved to the Active Unsafe. Motion passed unanimously by roll-call vote:

Mr. Biel Aye
Ms. Dessauer Aye
Mr. Thiel Aye

Update Items:

1. 12901 Hilltop – Lomberger
2. 6599 Fernwood – Mogan
3. 14021 Windsor Street – Mogan
4. 7029 W 135th Avenue – Ward
5. 7020 W 139th Place – Land Bank Builders & Associates, Inc. (Formerly INACQ, LLC)

Ms. Abernathy commented these properties are active items that either have a stipulation signed or an Affirming Order or Demolition Order conducted on these houses. They are waiting to be demolished.

6. W 127th Lane – Town of Cedar Lake
7. 14324 Edison – Town of Cedar Lake

Ms. Abernathy commented these properties are Town owned parcels that have dilapidated structures the Town will need to take down. One is landlocked and the other is on an unimproved right-of-way.

Mr. Carnahan commented the residents in his Ward are concerned about 12901 Hilltop.

Mr. Thiel commented W 127th Lane there were written communications that this parcel was put up for bid and there is someone interested in this parcel. At the time, the deal fell through, because of the garage

structure that is on the property. Discussion ensued regarding the process going forward with this property and Public Works taking down the garage.

Ms. Dessauer commented 12901 Hilltop is very close to the street and is a tight area with exposed cinderblocks. The concern is that this property is going to come down on a vehicle or a person as they are walking by.

Mr. Deutmeyer stated we have an agreement with the property owner. We will have to update Title on this property.

Board Discussion:

Unsafe Ordinances & Related Matters

Mr. Thiel commented he spoke with the Clerk Treasurer regarding the Unsafe Non-Reverting Fund and her concern is about the money that transfers from PZB to Unsafe is already earmarked for this fund. Without updating the Ordinance, to transfer the money into that fund, it is frowned upon by the State Board of Accounts.

Mr. Deutmeyer stated a recommendation is needed to the Town Council to investigate the amendments to the Ordinance and the amendments to the nuisance provisions that were discussed last month. The Town Council will be the one to approve if there is a Transfer Resolution and Ordinance changes.

Mr. Thiel commented to demolish 12901 Hilltop, we only need the instructions to do so. Mr. Deutmeyer commented if there is money for this house, proceed with it.

A motion was made by Ms. Dessauer and seconded by Mr. Biel to make a recommendation to the Town Council to revise the Nuisance Ordinance and Fee Schedule and correct the verbiage so the Unsafe Building can have adequate funds going forward and the fees from the Nuisance Ordinance can go into this Fund. Motion passed unanimously by roll-call vote:

Mr. Biel Aye
Ms. Dessauer Aye
Mr. Thiel Aye

Public Comment: None was had.

Adjournment: Mr. Thiel adjourned the meeting at 7:25 pm.

TOWN OF CEDAR LAKE UNSAFE BUILDING

Rich Thiel, Chairperson

Heather Dessauer, Vice Chairperson

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 February 21, 2024