



CEDAR LAKE UNSAFE PUBLIC MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
June 19, 2024 at 5:30 pm

Call To Order:

Mr. Thiel called the Unsafe Public Meeting to order on Wednesday, June 19, 2024, at 5:32 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; Rich Thiel, Chairperson. A quorum was attained. **Also present:** Tony Gatto, Building Inspector; Ryan Deutmeyer, Town Attorney; David Austgen, Town Attorney (present at 5:37 pm); Jeff Bunge, Town Manager; and Cheryl Hajduk, Recording Secretary.

Absent: None

Minutes:

Mr. Thiel entertained a motion for the April 17, 2024 Unsafe Building Minutes; a motion was made by Ms. Dessauer and seconded by Mr. Biel to approve the same. Motion passed unanimously by roll-call vote:

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

Active Unsafe:

1. 7105 W. 128th Avenue – Cagnina

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

Mr. Gino Cagnina, 7109 W. 128th Avenue, commented the plan was going to have the houses demolished. Both houses are for sale as is. Mr. Thiel commented he shared Mr. Cagnina's email with the Building Department.

Mr. Cagnina asked for the reports to be updated, so he can share them with a potential buyer. Mr. Gatto commented there is a report for 7105 W. 128th Avenue, but there isn't a report for 7109 W. 128th Avenue, because it was going to be sold and that money was going to be used to fix 7105 W. 128th Avenue.

Mr. Thiel asked do we have anything in place notifying a potential new owner for attendance at the meetings. Mr. Deutmeyer commented other than what the law requires, there isn't anything and there aren't any Orders issued in either of these properties. Mr. Thiel asked is this something that we have to do to make sure it stays with the Title, so that they are aware. Mr. Deutmeyer commented a Demolition Order has to be in place and affirmed and once they are re-affirmed, they can be recorded. Ms. Dessauer asked what is the time frame for that. Mr. Deutmeyer stated if the initial Order is entered today, the Order Affirming can be done at the next meeting.

Mr. Thiel commented the permit was ready to be picked up and it wasn't picked up. Mr. Cagnina commented the meeting was set for two weeks and they weren't ready to demolish at that time. Mr. Thiel commented we need to do a Demolition Order, regardless if it sells in two weeks. People or investors that have purchased parcels that are still on the list that have been on the list for a long time, and still were in the same situation and still unsafe. This does not make the situation go away. This is more of a protection on the Town according to the Statute. Mr. Deutmeyer stated if the Town wants to protect themselves, the Policy should be that if these circumstances are drawing out, that the issue is to proceed with the Order of Demolition. The Orders are good for two years and they can be in place and recorded. The Town's interest is protected to subsequent sales and re-sales.

Mr. Deutmeyer commented the only way there would be any liability to Mr. Cagnina is if the Order is entered, nothing happens and the property is demolished by the Town, then a lien is recorded. Discussion ensued regarding selling the property.

Mr. Cagnina asked has Title been pulled. Mr. Deutmeyer commented we may have done Title work on this a year or two years ago.

A motion was made by Ms. Dessauer and seconded by Mr. Biel to instruct the legal team to run title on 7105 W. 128th Avenue before the next meeting. Motion passed unanimously by roll-call vote:

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

2. 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 instruct the legal team to run title on 7109 W. 128th Avenue before the next meeting. Motion passed unanimously by roll-call vote:

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

3. 13713 Parrish Avenue – Diamond Peak Homes LLC

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

Mr. Michael Herbers, Diamond Peak Homes, LLC, 13131 White Hawk Drive, Crown Point, commented we applied for a Demolition Permit for the barn on Parrish Avenue. We met with the Town Manager recently and previous things may have been approved for that building over the years; however; we do not think anything was brought up to do anything with the barn. It is a process to find a tenant or use for that building.

Mr. Herbers commented we were not issued the Demolition Permit. We are trying to find a tenant and we are working with a marketing team to have signage on the property.

Mr. Thiel commented there was clear instruction that we do not want the barn torn down. Discussion ensued regarding the barn, that it is secure and possibly what to do with it. Mr. Thiel commented Mr. Kubiak looked at the barn and it was discussed to maybe put up a security fence around the barn.

Ms. Dessauer commented there were questions of what the initial intention was with that property when Schilling owned it. Mr. Herbers commented no one knows what commitments there were for the property. Discussion ensued regarding past meetings when the property was discussed and what may happen with it.

Ms. Dessauer commented putting up a fence would be an eyesore.

A motion was made by Ms. Dessauer and seconded by Mr. Biel to move this item to an Update Item. Motion passed unanimously by roll-call vote:

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

4. 7500 W. 129th Ln – Barcewicz

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

Mr. Thiel commented nobody is present. Ms. Dessauer commented it is her understanding that nothing has been done with the property. Mr. Thiel commented there has been a tall grass violation. Mr. Thiel commented that Mr. Parker and himself have tried to reach Mr. Barcewicz.

Mr. Deutmeyer commented this is in the beginning of the process and we can order Title.

Mr. Parker asked if Mr. Gatto can reach out to Mr. Barcewicz and give him the opportunity to pull a permit. Mr. Gatto commented that was his intention and to do a Scope of Work. Discussion ensued in length regarding nothing getting done on the property.

Mr. Parker asked if Mr. Barcewicz came into the Building Department for a permit, can he get one. Mr. Gatto commented there would be no reason not to, but he didn't remember what the last motion was.

Mr. Thiel commented we need to give instruction to the Building Department to meet with Mr. Barcewicz, get the Scope of Work on what is going to be done, it falls within Mr. Gatto's review that it is safe and this is the proper way of fixing the concerns that we issue a permit until the date of the next meeting. He would have to appear at the next meeting.

A motion was made by Ms. Dessauer and seconded by Mr. Biel to have Mr. Barcewicz to bring a Scope of Work to the Building Department. Mr. Thiel and Mr. Parker will reach out to Mr. Barcewicz to discuss getting the Scope of Work and the Building Department will issue a Demolition Permit to expire on July 17, 2024 and Mr. Barcewicz will need to appear at the July 17, 2024 meeting. Motion passed unanimously by roll-call vote:

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

5. 7303 W. 128th Place – Fouch

Mr. Thiel stated the next order of business is for the property located in the vicinity of 7303 W. 128th Place.

Mr. Roger Fouch, 7303 W. 128th Place, commented the foundation has been done and has been inspected by Mr. Gatto and he said it was good. The foundation will be filled back in with gravel sand and water and then proceeding on to the projects as we go.

Mr. Gatto commented he did the inspection on the foundation and he received a green tag for the bracing and he will need to do backfill and parching. Mr. Gatto commented there is other work to do, but he can maybe check back in 90-days to see how progress is going.

A motion was made by Mr. Biel and seconded by Ms. Dessauer to defer this item for 90-days and to appear at the September 18, 2024 meeting. Motion passed unanimously by roll-call vote:

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

6. 13947 Hobart Street - Wease

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

Nobody was present. Mr. Deutmeyer gave the background of past history on the property. The estate is working to sell it as is, but they might lose it at a tax sale. The proposed purchaser is Infinite Batteries, Inc. Discussion ensued regarding the tax sale. Mr. Deutmeyer commented we have never run Title and we need to run Title.

A motion was made by Ms. Dessauer and seconded by Mr. Biel instruct our legal team to run Title on 13947 Hobart Street to be done before the next meeting.

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

7. 8120 Lake Shore Drive – Bank Shots Bar & Grill (Formerly Schane’s Bar & Grill)

Mr. Thiel stated the next 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 Engineers submitted all of the plans to the Town and we are waiting for comments back and the Police and Fire Department need to inspect the building.

A motion was made by Ms. Dessauer and seconded by Mr. Biel for a 30-day deferral and for the Petitioner to appear at the July 17, 2024 meeting. Motion passed unanimously by roll-call vote:

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

8. 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.

Mr. Junior Martin, 2701 W. 45th Avenue, Gary, IN, was on zoom.

Mr. Gatto commented he spoke with Mr. Martin previously and we did not have the lock box code until the other day to take a look at the house. We would need a couple of people to go and look at the house and we need some time to go through the house.

A motion was made by Ms. Dessauer and seconded by Mr. Biel to defer this item to the July 17, 2024 meeting and Mr. Gatto will do an inspection of the property. Motion passed unanimously by roll-call vote:

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

9. 7308 W 138th Place – Herrera (Formerly Parat)

Mr. Thiel stated the next order of business is for the property located in the vicinity of 7308 W. 138th Place.

Nobody was present. Mr. Thiel commented Ms. Herrera sent an email and said she wasn't able to make this meeting and she did not pick up her 30-day Demolition Permit. She wants to re-sell the property.

A motion was made by Ms. Dessauer and seconded by Mr. Biel to instruct our legal team to update or run Title on 7308 W. 138th Place to be ready for our next meeting. Motion passed unanimously by roll-call vote:

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

10. 14737 Bryan Street – 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.

Mr. Gatto commented he was instructed not to show up, because we did a site inspection. He came into the Building Department to get an interior Demolition Permit. This item can go onto the update items. They are doing work on the house.

A motion was made by Ms. Dessauer and seconded by Mr. Biel to move 14737 Bryan Street from the active to the update item list. Motion passed unanimously by roll-call vote:

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

11. 14714 Dewey Street – Urban James Linden

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

Mr. Urban James Linden, 14714 Dewey Street, commented he wanted to get a permit and he came to the Building Department to try and set up a meeting with Mr. Gatto, but there weren't any available times before the next Unsafe Meeting.

Mr. Thiel commented the Building Department needs to know what you are doing for that permit. We do not allow anyone to just come in for a building permit without a Scope of Work.

Mr. Linden commented he wrote out a list of what he wants to do.

Ms. Dessauer commented to call the Building Department tomorrow and schedule a meeting with Mr. Gatto to go and look at the house or we can issue a Demolition Order.

A motion was made by Ms. Dessauer and seconded by Mr. Biel to give a 30-day deferral to the July 17, 2024 meeting and the Building Inspector will do a Site Inspection with Mr. Linden.

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

12. 8705 W 132nd Place – Kubiak Properties Inc.

Mr. Thiel stated the next order of business is for the property located in the vicinity of 8705 W. 132nd Place.

Mr. Robert Kubiak, 2525 Waymaker Way, Austin, TX, commented this property has a pending agreement and should be sold within the next few weeks.

Mr. Deutmeyer commented from a financial standpoint and if it is sold, we will already have ordered Title and spent that money.

Mr. Kubiak asked is this house unsafe or unsightly. Mr. Thiel commented there have been complaints from the neighbors about animals coming out from under the structure. Ms. Dessauer read the items that constitutes an unsafe property.

Mr. Kubiak commented if the house is not sold, he can tear it down, but would like 30 or 60-days to have the time to tear it down or re-build it.

A motion was made by Ms. Dessauer and seconded by Mr. Biel to defer this item for 30-days to the July 17, 2024 meeting. Motion passed unanimously by roll-call vote:

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

13. 12611 Cline Avenue – Kubiak Properties Inc.

Mr. Thiel stated the next order of business is for the property located in the vicinity of 12611 Cline Avenue.

Mr. Robert Kubiak, 2525 Waymaker Way, Austin, TX, commented he started cleaning the perimeter of the building to keep the kids out and to allow the police get to the back property, if needed. We would like to get temporary power out there, so we can have lights around the building. We would like to put an automated gate on the property. Discussion ensued regarding kids on the property recently and keeping the property secure.

Ms. Dessauer commented the grass, weeds and fencing look worse than it did three years ago before Mr. Kubiak bought the property. Mr. Thiel commented the terrain is an issue. Discussion ensued regarding the fence coming down, cameras and lights being put up at the building in the back.

Discussion ensued regarding the gate and the fence that will be taken down.

Mr. Austgen commented there are other developers with large pieces of land who have similar albeit not identical parcels and you're going to set some standards, talking about the weeds, and the access. We know where those properties are. Mr. Thiel commented if we are asking Mr. Kubiak to follow our code with the 50-foot from the roadway that pertains to another parcel close to us from where we are at.

A motion was made by Ms. Dessauer and seconded by Mr. Biel to defer this item to the next meeting on July 17, 2024 with instruction for the Building Department to issue a permit for the electricity with the understanding that the owner is going to get security cameras, lights and an automated gate up in front of the drive and take the fencing down. Motion passed unanimously by roll-call vote:

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

14. 13333 Lemoore Street – Vogl

Mr. Thiel stated the next order of business is for the property located in the vicinity of 13333 Lemoore Street.

Mr. Eric Vogl, 1239 Seafair Street, Ventura, CA, commented he has not seen a copy of the report. Ms. Dessauer read out loud the findings from the report. Mr. Gatto commented we were in the basement on January 17, 2024 and that was start of the concerns. The exterior is not good. A general contractor who is licensed with the Town is what is needed first. Mr. Vogl commented we have been trying to get someone, but it is not going well. We are also thinking of selling the property. The tenant has moved out.

Ms. Dessauer asked what is the goal. Mr. Vogl commented we have spent time and money and we aren't sure what the goal is. Ms. Dessauer commented to look at the Town website and there is a list of contractors on there. Discussion ensued regarding finding a general contractor and getting a Scope of Work.

Mr. Vogl commented he didn't know they were on the Unsafe List when they purchased the property. Mr. Gatto discussed the basement and how unsafe the building is. Ms. Dessauer discussed what the next steps are and for the Vogl's to find a general contractor.

A motion was made by Ms. Dessauer and seconded by Mr. Biel for a 60-day deferral with the understanding that the owners will be in contact with Mr. Gatto with updates. Motion passed unanimously by roll-call vote:

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

15. 7512 W 128th Lane – Ristevski

Mr. Thiel stated the next order of business is for the property located in the vicinity of 7512 W. 128th Lane.

Nobody was present. Mr. Gatto commented he reached out to Mr. Ristevski and he also reached out to Ms. Hajduk at the last meeting, and he was told to get a Demolition Permit for the property. Mr. Deutmeyer stated we would need to run Title. This was on an Update Item in the past.

A motion was made by Ms. Dessauer and seconded by Mr. Biel to defer this item for 30-days to the next meeting on July 17, 2024 and have Mr. Gatto reach out to Mr. Ristevski for an update. Motion passed unanimously by roll-call vote:

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

Update Items:

1. 12901 Hilltop – Lomberger

Mr. Thiel commented this was demolished.

2. 14523 Bryan Street – Cox

Mr. Gatto commented the walls are down, but he hasn't called yet for his final inspection.

3. 6599 Fernwood – Mogan
4. 14021 Windsor Street – Mogan

Mr. Thiel commented both of these properties are on the Order to expire in October.

5. 7029 W 135th Avenue – Ward

Mr. Thiel commented this house is demolished.

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

Mr. Thiel commented this house is demolished.

7. W 127th Lane – Town of Cedar Lake

8. 14324 Edison – Town of Cedar Lake

Mr. Thiel commented we are working on 127th Lane with getting the garage down. The house on Edison is a logistical situation with trying to get to the property.

Public Comment:

Mr. Luigi Cagnina, 7109 W. 128th Place, asked why are we pulling Title if the property is going to be sold. Mr. Deutmeyer stated that Indiana Code requires us to notify the property owner and anyone who has interest in the property and that way we can identify who holds the substantial interest in the property is to run a Title Report to see who has those interests. Mr. Cagnina asked wouldn't that be the Title Company doing that. Mr. Deutmeyer responded in the affirmative.

Mr. Deutmeyer commented the Title Company pulls information based upon the public record.

Mr. Terry Broadhurst, 14513 Morse Street, commented a lot of properties were talked about and it was discussed on how to proceed with getting the Scope of Work with some of these properties. The concern is giving a 30-day deferral and what if an architect needs to come in and look at the foundation and make a plan; the 30-days is not enough time. Discussion ensued regarding structural situations and the liability can go on the Town, because the Town does not have an architect engineer. The Town leaves themselves open with liability and not relying on a general contractor and put some thought with getting an architect engineer to look at structural issues. Discussion ensued regarding liability. Mr. Broadhurst asked about the electricity, temporary poles and lighting at 12611 Cline Avenue. Mr. Thiel commented this would be on the property owner.

Mr. Broadhurst commented he attended a meeting about intersection and safety and one of the topics were vision and setbacks from the road for darkness and line of sight. One of the locations was at Cline Avenue and Vermillion Street. Hopefully, with the cleanup on the Cline property, the line of sight can be restored.

Ms. Angie Mikolajczak, 12806 Lee Court, commented she isn't trying to overwhelm the Plan Commission; however, there is a question regarding a contractor that had changed over company names. She did research on the company and there were Quick Claim Deeds for an address listed at 13934 Hobart Street and it turned up to be in the location of the house of 13947 Hobart Street of Wease, which is on the Unsafe List. According to your legal team, they had instructed that this property go to Tax Sale. The Quick Claim Deed property is a brand-new home built that sold for approximately \$387,000 and it is located on Fernwood that is an undeveloped road and owned by the same contractor that built my house and obtained property through a Sheriff Sale. The Wease home and the location across the street, there are For Sale signs on the properties. Ms. Christine Dargo was my realtor, which is the mother of the attorney that is representing Wease. It seems like this particular contractor is buying unsafe buildings in this area. Discussion ensued regarding something may be in the works with a Planned Unit Development.

Mr. Thiel commented he had received written communication from Ms. Donna Corey, and she wanted to reiterate from the last meeting during public comment and she wanted to re-state her concerns regarding Mr. Cox's property and that Mr. Gatto needed to inspect the deck.

Adjournment: Mr. Thiel adjourned the meeting at 7:41 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 June 19, 2024