



CEDAR LAKE UNSAFE WORK SESSION MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
August 5, 2024 at 8:00 a.m.

Call To Order:

Mr. Thiel called the Unsafe Work Session to order on Monday, August 5, 2024, at 8:02 am with its members attending on-site.

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:** Jeff Bunge, Town Manager; Tony Gatto, Building Inspector; Ryan Deutmeyer, Town Attorney; and Cheryl Hajduk, Recording Secretary. **Absent:** None

Work Session:

Mr. Thiel stated the purpose of this meeting is to figure out how to generate a letter to property owners of an unsafe issue, instead of Mr. Gatto doing a report and have property owners appear at an Unsafe Building Meeting. This can be for a simple repair, get a permit, fix the issue and then they would not have to be on the agenda.

Mr. Gatto commented there is an International Property Maintenance Code that Indiana did not adopt, but some states use this for a guideline. This would have to be up to a municipality to create if that is what they would want to do.

Mr. Gatto commented it would be for property owners to take care of things that are an eyesore and a nuisance.

Mr. Thiel asked would we need to have an Ordinance to send letters out to property owners for nuisances. Mr. Deutmeyer discussed an emergency situation that happened in the past. There may be potential Building Code violations and there is a Nuisance Code that can possibly get action from property owners to do something. Cedar Lake has a nuisance provision in its Town Code. Indiana Code has specific nuisance provisions, as well that can be utilized if a property were to meet that standard. Discussion ensued.

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Discussion ensued regarding the Board giving direction to issue a letter with direction to a property owner for a nuisance. The letter can be a warning letter and give the property owner ten days to rectify the situation. Another letter can be sent after ten days if nothing has been rectified. Discussion ensued regarding a fee schedule if the warning letters have not been rectified of the nuisance.

Mr. Bunge discussed properties that are more of a safety issue and should there be an expedited plan or schedule to fine property owners before giving a warning.

Mr. Thiel discussed properties that are not as bad, and should not drag out that long.

Mr. Biel asked is the letter going to the address or the homeowner. Mr. Deutmeyer commented the way they are normally sent, we send a letter to the property and we check the GIS and the auditor's records to see where the tax bills are being sent to. We can check to see where the water bill is going also to see if there is an alternative address.

Mr. Bunge asked do we know of a generic letter that can be used as an example and tweaked for our needs. Mr. Deutmeyer commented Code Enforcement may have a sample letter. A letter can be easily drafted and there are two provisions in the Town Code: dwellings that are unfit for human habitation, which if it is that extreme, it is probably getting us into the Unsafe Building Code and dangerous building adjoining streets, which they all will probably have adjoining streets and that is defined as: any building/house or structure so out of repair or dilapidated that it will if the condition is allowed to continue, endanger the life, limb or property of or cause hurt, damage or injury to person's or property using or being upon the streets of public way of the Town and joining the premises by reason the collapse of the building/house structure or falling parts thereof or of objects there from. There is also a dilapidated buildings provision.

Mr. Deutmeyer commented all three of these provisions can be stated in a letter as a reference.

Discussion ensued regarding what can be stated in a letter to a property owner as an "attention getter."

Ms. Dessauer commented the letters will be done through the Building Department and what the fines should be. In the first letter to a property owner, it should state the intention is to keep off of the Unsafe List. Mr. Deutmeyer commented an example of a letter can state "your property has been identified as a potential unsafe structure in the Town of Cedar Lake. Due to violations and in order to prevent this matter from becoming an active item on the Unsafe Agenda, please contact the Building Department within ten days of receipt of this letter to make these corrections to avoid additional fines."

Ms. Dessauer commented the second letter can mention a new fine amount, every day is a new violation, and pursuant to Town Code.

Mr. Gatto commented if they come in and secure a permit, that permit is good for a year and it can renew it for an additional year for half of the cost. This may need to be in consideration and two years down the road, you would be stuck with the same thing.

Mr. Thiel asked would it be a problem if we deviated from the normal Building Department procedure on a permit. We can issue a permit for so many days and if they came in for the permit, and get the year, how can we make it less than a year for the permit to expire. Mr. Deutmeyer commented they are not in jurisdiction of this Board yet. Imposing timing restrictions is more suspect. Discussion ensued.

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Mr. Gatto commented there is wording in the Ordinance that if the permit is obtained and no substantial work takes place within 90-days, the permit can be revoked. They need to be aware that they need to work within the 90-days. Discussion ensued regarding if the 90-day period elapses; then they need to be added to the Unsafe List.

Discussion ensued regarding what the amount of the first fine should be and other fines going forward.

Mr. Deutmeyer commented if a fine is not paid, can it go to the Police Department or Code Enforcement to be filed with the Town Court and who would file this if not paid.

Ms. Dessauer asked about the list the Mr. Gatto has of potential unsafe properties. Mr. Gatto commented we can start with letters to property owners that are a nuisance. Discussion ensued regarding going through the list for any potential letters to be sent out and how the Building Department will have to handle the letters after going out to property owners.

Mr. Deutmeyer commented the Boards direction to Mr. Gatto, the only way theoretically has jurisdiction over a house, is if it meets the criteria of being declared unsafe under the Statute. Discussion ensued regarding what constitutes a violation or if a property is unsafe.

Mr. Thiel commented we would like to add a permit/deferral section to the agenda so nothing slips through the cracks when a property gets deferred for 60-days or 90-days, for example. This will show a paper trail in the meetings. Discussion ensued.

Mr. Deutmeyer commented if a property owner wants to sell one of the properties that are on the list, how do we act on this moving forward. The statute requires the property owner to make the changes, and the changes haven't been done, the Board can proceed with a Demolition Order to protect ourselves or list it and then deal with it then. Mr. Thiel commented we do not want to do that, but it is still a two-month process.

Mr. Deutmeyer commented there is a hard cost to run Title on a property that the Town incurs.

Discussion ensued regarding liens against property owners.

Mr. Thiel commented if we give a fine of \$50 and there isn't a response from the property owner, then a second fine would be \$300 to the property owner to rectify a nuisance.

Ms. Dessauer asked how does the money go into the correct fund. Mr. Deutmeyer commented it would go into the Unsafe Building Fund.

Ms. Dessauer asked how do we go about with the calls that we get. Mr. Wroe commented we have the Unsafe Database, but he will make a form that will be web based.

Mr. Wroe asked about the fine structure and if the fine is over \$250, does that require a court appearance. Mr. Deutmeyer commented he would have to look into that regarding the Ordinance violations.

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Mr. Terry Broadhurst, 14513 Morse Street, commented he is impressed of the direction this Board has gone in the last four months.

Mr. Broadhurst discussed public safety and the liability that comes with it. Residents want to feel safe. It was also discussed putting a rating and categorizing the list of houses that would be the worst to the least. The hope is to simplify a lot and get more done.

Discussion ensued regarding unsightly properties.

Mr. Broadhurst thanked the Board for the time to engage in the dialogue at this meeting. Discussion ensued regarding the fine structure and it can take 90-days to get there and what can happen in that time.

Adjournment: Mr. Thiel adjourned the meeting at 9:06 am.

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 August 5, 2024