

The Town Council of the Town of Burns Harbor, Porter County, Indiana met for a Special Meeting on Wednesday, March 12, 2025, at the Burns Harbor Fire Department and streamed electronically with Zoom. The meeting was called to order by Council President Jennifer McHargue at 5:30 p.m.

The Pledge of Allegiance to the American Flag was recited.

Roll Call: Councilwoman Roseann Bozak ----- Present
 Councilwoman Lisa Draves ----- Absent
 Councilman Nicholas Loving-----Present
 Councilman John (Jack) McGraw -----Present
 Councilwoman Jennifer McHargue --- Present

Secretary Jill Sherrill was present. A quorum was attained.

Additional Officials Present Attorney Clay Patton, Building Commissioner Lawson, and Sanitary Superintendent Adam Friday.

Approval of Minutes:

None

Reports:

None

Presentations of Resolutions, Petitions, Communications, Ordinances and Remonstrance

New Business:

Unsafe Property, 1182 Salt Creek Road

Councilwoman McHargue opened the Public Hearing at 5:30 p.m.

Attorney Patton asked the Building Commissioner to give his report regarding his most recent correspondence to the Town Council dated February 14, 2025. Commissioner Lawson stated the letter was delivered to Mr. Anaya Martin's property and was also sent via mail, notifying him of the hearing scheduled for this evening. As of today, nothing has been brought in by the property owner and nothing has changed in the way of blueprints or anything. Attorney Patton stated just to clarify, based on what you have in your letter, you directed the property owner to vacate the unsafe building, remove all trash, debris, and fire hazardous materials in and about the unsafe premises, rehabilitate the unsafe building to bring it into compliance with standards for building condition, or maintenance required for human habitation, occupancy, or use, or demolish and remove the unsafe building. Is that correct? Commissioner Lawson stated that is correct. Attorney Patton stated essentially under Indiana Code you have condemned the property. Commissioner Lawson stated that is correct. Attorney Patton stated you are asking the Town Council as the hearing board on this matter under Indiana Code to affirm your order. Commissioner Lawson stated yes. Attorney Patton stated does any of the board members have any questions for the Building Commissioner? Councilman McGraw stated that just to verify nothing has been brought into the Building Department like paperwork that has been corrected or resolved. Commissioner Lawson stated no. Councilwoman Bozak asked if any work has been done on the property since the stop work order was issued. Commissioner Lawson stated no. Councilwoman McHargue asked Mr. Martin Anaya if he would like to speak on behalf of this matter. Anaya stated the reason I haven't worked on anything is because the permits aren't being renewed. I do not know what you are talking about the property being unsafe, the whole property is clean. If you renew my permits, I will start to build the house the way it was. Councilwoman McHargue stated right now it is unsafe because of the way you cut the rafters. Anaya asked how am I supposed to fix it. Councilwoman Bozak stated by asking a professional as we have asked you to do for months and months. Your opinion is not a professional opinion. Therefore, we asked you to get a professional opinion and you did not. Anaya stated I need the permits so I can fix the rafters. I have been doing this for

over 25 years, I know what I am doing. Commissioner Lawson stated we repeatedly told you that you needed a licensed architect or engineer to tell us how you were going to correct the issues and fix them, and that was never done. We do not currently have anything telling us what you are going to do by a licensed professional. Councilman McGraw stated that is what is required. The Building Commissioner and Town Council have been asking you meeting after meeting that we have had up to this point. We need a licensed structural engineer to tell us what needs to be done. You are the one who cut these joists and by doing that it has made the building unsafe. Anaya stated I am not going to hire someone and spend over \$2,000 when I can do it myself. Councilwoman Bozak stated there is no price for safety. We explained to you what needed to be done and you chose not to do it. We did not choose not to give you permits. You chose not to turn in the proper paperwork to get those permits. You need to make sure you understand the predicament that you are in has nothing to do with us here at the board, this is you deciding not to do what you were supposed to. Anaya stated if you are so desperate to knock it down then knock it down, I will call my lawyer. You guys make no sense to me, I know everything. I spent money on the inspections for the foundation because you complained about that, I fixed it. Commissioner Lawson stated you compromised the integrity of the building when you cut the load-bearing rafters. Anaya stated that is what I am going to do, fix it. Councilwoman Bozak stated to get the permit you need to get a licensed engineer, and that is the part you are missing. You cannot fix it unless you have a licensed engineer telling you how to fix it. Those are the rules of the Town of Burns Harbor. Anaya stated the engineer I am going to use isn't going to be available until the end of April or the middle of May. Councilwoman Bozak stated you have had since last year.

Martin Anaya left the meeting at 5:42 p.m.

Attorney Patton asked if anyone knew if the gentleman with Mr. Anaya was the realtor. Commissioner Lawson stated he told me that was the realtor that he fired. Councilwoman McHargue asked the gentleman to state his name when he walked back into the meeting. Hoyle stated my name is Randall Hoyle and I am the real estate broker for Mr. Anaya. Councilwoman McHargue stated we were just informed by the Building Commissioner that you were fired from Mr. Anaya. Hoyle stated that it was news to me. Hoyle stated we had a purchase agreement, but Mr. Anaya did not tender the earnest money, and then because he changed his mind, I created the counteroffer trying to put the deal together at a lesser price, but it just did not come together. Attorney Patton asked if the deal was completely off the table. Hoyle stated yes.

Cieliesz stated my name is Carrie Cieliesz and we were interested in the property. I thought we had an agreement at one point. Realtor Rebecca Schenck stated we had an agreement, but it was modified. Mr. Anaya scratched out the lumber on the purchase agreement, and my clients did not agree with that. Attorney Patton stated as we sit here right now on March 12, 2025, is there an existing purchase agreement between the seller and buyer? Schenck said no, we have tried.

Attorney Patton stated if someone wants to make a motion under Indiana Code 36-7-9-5 (a) (7) to take action and affirm the order of the Building Commissioner, rescind the order, or modify the order. The hearing authority may modify the order in a manner that makes its terms less stringent. In addition to affirming the order, in those cases in which the hearing authority finds that there has been a willful failure to comply with the order, the hearing authority may impose a civil penalty in an amount not to exceed \$5,000. The effective date of the civil penalty may be postponed for a reasonable period, after which the hearing authority may order the civil penalty reduced or stricken if the hearing authority is satisfied with all work necessary to fully comply with the work that has been done.

Councilwoman McHargue closed the Public Hearing at 5:48 p.m.

Cieliesz asked if they are still able to buy the home, would we be able to proceed with the original blueprint? Councilman McGraw stated this has to do with the building, but as far as you possibly taking ownership of the property, that can still happen.

Councilman McGraw made a motion to affirm the order of Building Commissioner Lawson along with applying a \$5,000 fee to the present owner, Martin Anaya, after 30 days to either come forth with correcting the issues we have discussed or sell the property. The 30-day date would be by Friday, April 11, 2025. Councilwoman Bozak seconded the motion. Councilwoman Bozak – Aye, Councilman Loving—Aye, Councilman McGraw – Aye, Councilwoman Draves- Absent, Councilwoman McHargue – Aye. **Motion passed.**

Councilman Loving stated that just to clarify, we are saying there needs to be a signed purchase agreement within 30 days. Councilman McGraw stated yes, just a signed purchase agreement.

Realtor Hoyle stated just to note, from the time I listed this property several years ago, Mr. Anaya has added his wife to the title. He and his wife are joint tenants. Attorney Patton asked if Hoyle can email that over to him to review.

Attorney Patton stated if there is no purchase agreement by Friday, April 11, 2025, by Monday, April 14, 2025, you will be directing the Commissioner to engage in the contract to have the property demolished, is that correct? Councilman McGraw stated yes.

Old Business:

None

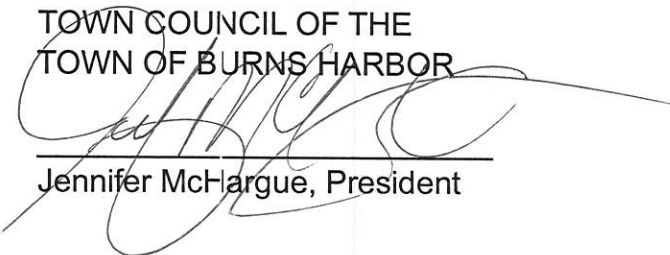
Good of the Order of the Community:

None

Councilman Loving made a motion to adjourn. Councilman McGraw seconded. Councilwoman Bozak – Aye, Councilman Loving--Aye, Councilman McGraw – Aye, Councilwoman Draves- Absent, Councilwoman McHargue – Aye. **Motion passed.**

There being no further business to discuss, the meeting concluded at 5:57 p.m.

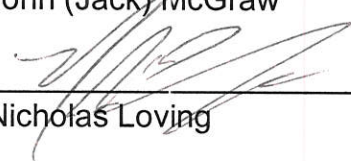
TOWN COUNCIL OF THE
TOWN OF BURNS HARBOR


Jennifer McHargue, President

Roseann Bozak, Vice-President


Lisa Draves

John (Jack) McGraw


Nicholas Loving

ATTEST:

Nicole M. Migliorini
Clerk-Treasurer