



**TOWN OF CEDAR LAKE – PLAN COMMISSION**  
**PUBLIC MEETING MINUTES**  
**November 20, 2019 - 7:00 P.M.**

Call to Order (Time): 7:01 p.m.

Pledge to Flag

Roll Call:

Present Heather Dessauer  
Present Chuck Becker  
Present John Kiepura  
Present John Foreman  
Present Richard Sharpe  
Present Jerry Wilkening

Present Greg Parker  
Absent Donald Oliphant, Town Engineer – CBBEL  
Present David Austgen, Town Attorney  
Absent Tim Kubiak, Director of Operations  
Present Michelle Bakker, Building Administrator  
Present Sarah Rutschmann, Recording Secretary

**MINUTES:**

Motion by John Kiepura and seconded by Heather Dessauer to approve the October 12, 2019 Public Meeting, October 24, 2019 Special Public Meeting and November 6, 2019 Work Session meeting minutes.

Motion: John Kiepura --1<sup>st</sup> Heather Dessauer --2<sup>nd</sup>

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
YES	YES	YES	YES	YES	YES	YES	7-0

**OLD BUSINESS:**

**1. Lakeside Unit 1, Block 2 Performance LOC - Expires 12/7/19-\$165,546.21**

1. Petitioner's Comments: Jack Huls from DVG was present tonight on behalf of Lakeside. Huls indicated the petitioner is requesting that the performance bond be converted to maintenance bond in the amount of \$66,218.48. Huls introduced Michael Tiller, who was present, to the board, noting he replaced Scott Zajac at Schilling.
2. Town Engineer's Comments: In Oliphant's absence, the Letter from Oliphant dated 11.05.19 confirmed the recommended Maintenance Letter of Credit to be established for a 3-year period in the amount of \$66,218.48.
3. Building Department Comments: Bakker recommended that when voting tonight that the motion include the item being pull on or before November 29<sup>th</sup> due to expiration and next meeting timing.
4. Commission Discussion: None. Parker asked if Austgen had anything to add. Austgen indicated everything in order and clarified for Parker the direction to draw on the bond in the event that the events do not occur.
5. Commission's Decision: John Kiepura made a motion, seconded by Jerry Wilkening, to approve the request to change the performance bond to a maintenance bond for \$66,218.48 to be presented to the Town prior to November 29, noting if this does not occur, the board authorizes the Town to draw on the letter of credit.

Motion: John Kiepura --1<sup>st</sup> Jerry Wilkening --2<sup>nd</sup>

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
YES	YES	YES	YES	YES	YES	YES	7-0

## 2. Summer Winds Residential Unit 2 Performance LOC – Expires 12/20/19 - \$376,950.23

1. Petitioner's Comments: Jack Huls from DVG was present tonight on behalf of Summer Winds.
2. Town Engineer's Comments:
3. Building Department Comments: Bakker stated she had received a draft late this afternoon. She noted the public hearing is scheduled for the 18<sup>th</sup>, but it would not give them much time to act upon it considering the expiration date of the 20<sup>th</sup>. She stated it needs to be voted on to pull if not received by Dec 13<sup>th</sup>.
4. Commission's Discussion: None.
5. Commission's Decision: John Foreman made a motion, seconded by John Kiepura, to approve the request to extend the performance letter of credit to be due by December 13 noted to be the same amount of \$376,950.23.

Motion: John Foreman --1<sup>st</sup> John Kiepura --2<sup>nd</sup>

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
YES	YES	YES	YES	YES	YES	YES	7-0

## 3. Tech Credit Union – Performance LOC \$63,688.86 to Maintenance LOC - \$5,789.90

1. Petitioner's Comments: No one present on behalf of the petitioner.
2. Town Engineer's Comments: In his absence, Parker read Oliphant's note indicating requirements met and recommending the maintenance letter of credit amount at \$5,789.90 for a period of 3 years.
3. Building Department Comments: Bakker stated she had reached out to Tech Credit, reminded members the money had been held in an account, there had been no expiration date and requested legal input on the handling of the funds. Austgen recommended holding the funds in the amount of the recommended maintenance letter of credit and reimbursement of the difference, for a period of 3 years. Upon calculation, it was figured the reimbursement amount as \$57,898.96.
4. Commission's Discussion: Multiple discussions occurred to establish the timeframe of 3 years, noting the start time as tonight.
5. Commission's Decision: John Foreman made a motion, seconded by Heather Dessauer, to approve the request to change the performance letter of credit to a maintenance letter of credit refunding \$57,898.96, keeping \$5,789.90 as the maintenance bond with expiration of 3 years.

Motion: John Foreman --1<sup>st</sup> Heather Dessauer--2<sup>nd</sup>

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
YES	YES	YES	YES	YES	YES	YES	7-0

**NEW BUSINESS:**

**1. Summer Winds Development, LLC-Final Plat**

Owner/Petitioner: Summer Winds Development, LLC, 40 E. Joliet St., Ste. 1B, Schererville, IN 46375  
Vicinity: King St., south of 133<sup>rd</sup> Ave.  
Legal Description: Pt. NW NE S.28 T.34 R.9 1.672Ac  
Tax Key Number(s): 45-15-28-203-001.000-014

**Request: Petitioner is requesting Final Plat for Unit 3**

1. Petitioner's Comments: Jack Huls from DVG was present tonight on behalf of Summer Winds. Huls stated this is the 3<sup>rd</sup> and final unit located at 133<sup>rd</sup> and King with 8 lots remaining on the south side of 134<sup>th</sup> Pl. He said the roads had been previously installed as part of the subdivision. Huls stated the letter from Oliphant recommending the letter of credit amount had been received and they are seeking final plat approval for unit 3 tonight.
2. Town Engineer's Comments: In his absence, Parker read Oliphant's note indicating recommended performance letter of credit established in the amount of \$29,817.59, MS4 fee of \$1500 and 3% inspection fee in the amount of \$1,749.06.
3. Building Department Comments: Bakker stated the post master requested a certificate of correction from the surveyor to add a "W" in front of the roads. It will not be reflected on this plat; it will be a certification. Huls clarified the names were previously dedicated and due to a conflict with the postmaster, they requested the addition of a W. He indicated the plat will be recorded prior to that occurrence, but the certification will be noted based on comments from the post master.
4. Commission's Discussion: Wilkening asked for clarification if motion made on inclusion of fees paid. Austgen recommended all fees as referenced in Oliphant's letter.
5. Commission's Decision: Jerry Wilkening made a motion, seconded by John Foreman, to approve the request for final plat for unit 3 of Summer Winds LLC with the note that all of the total from Oliphant's letter dated October 30, 2019 be referenced and paid in full.

Motion: Jerry Wilkening--1<sup>st</sup> John Foreman--2<sup>nd</sup>

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
YES	YES	YES	YES	YES	YES	YES	7-0

**2. Beacon Pointe Unit 4 – Final Plat**

Owner/Petitioner: Beacon Pointe of Cedar Lake LLC, PO Box 677, St. John, IN 46373  
Vicinity: 9505 W 137<sup>th</sup> Ave/13900 Parrish Ave  
Legal Description: Part of W1/2 SW1/4 S.27 T.34 R.9 13.7 Ac  
Tax Key Number(s): 45-15-27-351-004.000-014

**Request: Petitioner is requesting Final Plat for Beacon Pointe Unit 4**

1. Petitioner's Comments: Jack Huls from DVG was present tonight on behalf of the petitioner. Huls stated this was a Planned Unit Development where they had come before the board earlier in the year for a PUD amendment to remove the quads and added duplexes and cottage homes.

He stated addressing units 117-123 have been reviewed by the postmaster. A single mailbox structure will located on a private drive and all of the homes will pick up at that location. All of those units will be addressed as Nantucket Drive. Huls stated they had received Oliphant's on establishing the letter of credit recommendations and fees.

2. Town Engineer's Comments: In his absence, Parker read Oliphant's note indicating recommended performance letter of credit established in the amount of \$1,073,876.87, MS4 fee of \$2000 and 3% inspection fee in the amount of \$29,709.65. Huls agreed with the figures and noted a request for reduction would most likely take place in December as much of the work is completed.
3. Building Department Comments: Bakker stated she needed to review the addresses one more time based on the postmasters review of units 117-123.
4. Commission's Discussion: Wilkening asked Bakker about lot 124 with the setbacks; Huls stated the lot had been larger than normal and Oliphant was ok with the size. Bakker noted it was corrected on the plat and it was greater than what was required.
5. Commission's Decision: Jerry Wilkening made a motion, seconded by Chuck Becker, to approve the request for final plat for Beacon Pointe unit 4 providing that conditions on Oliphant's letter dated November 16, 2019 are adhered to and paid in full.

Motion: Jerry Wilkening--1<sup>st</sup> Chuck Becker--2<sup>nd</sup>

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
YES	YES	YES	YES	YES	YES	YES	7-0

### 3. Keric-Rezone

Owner: KORDAL, LLC, 9710 99<sup>th</sup> Ct., St. John, IN 46373  
 Petitioner: Mo Keric, 9710 99<sup>th</sup> Ct., St. John, IN 46373  
 Vicinity: 13410 Morse St., Cedar Lake, IN 46303  
 Legal Description: Cedar Point Park Lots 445,446,447&448  
 Tax Key Number(s): 45-15-26-131-008.000-043

**Request: Petitioner is requesting a Rezone from R-1 (Residential Single Family) to R-T (Residential Two Family)**

1. Attorney Review: Austgen stated there was no action needed.
2. Petitioner's Comments: Jack Huls from DVG was present tonight on behalf of the petitioner. Huls stated that based on the feedback received at the work session 2 weeks ago, the petitioner would like to withdraw his request.
3. Town Engineer's Comments: No comments.
4. Building Department Comments: Bakker stated she had no comments.
5. Commission's Discussion: Foreman asked for explanation to be made for the individuals that came for this item. Parker stated the Kerics no longer wish to rezone their property, which means it will remain the same as it is. Foreman stated for those that received a letter it was because they are an adjacent property owner and thanked them for coming. Foreman stated at the last meeting they presented a concept and it was not received favorably. Due to that, they changed their mind.

6. Remonstrators:

- a. Laura Sechen, 13405 Morse Pl, inquired about the property being maintained as there was garbage and dead trees on the property. Parker stated this was not the venue for the complaint; Bakker said she would contact code enforcement. Sechen later asked about lights on 133<sup>rd</sup> Ct being off. Bakker stated there is a tag with a 6-digit number on them and if she could get the numbers to Bakker, she will contact number with the pole numbers for them to report and inspect them.
- b. Cheryl Krokroskia, 7204 W 134<sup>th</sup> Pl, expressed her concern for her property value if the property is not maintained. Parker indicated they would have the Unsafe Building Department look into the property. Krokroskia and Sechen had told the board that a tree had fallen into the roof of their home. Wilkening stated from experience the tree would be a civil manner and recommended the homeowners contact their insurance company to reach out to Keric's insurance company.
- c. Crystal Noel, Cheryl Krokroskia's daughter, 136<sup>th</sup> Ave, stated there were multiple trees on the property with tenants in the home and her mother Cheryl has been doing some of the yard work and maintenance. She commented that her mother has medical issues and was concerned about her maintaining their property. Sharpe, who is also a member of Unsafe Building Department, directed Bakker to look into the property.

7. Recommendation to Town Council: None/withdrawn request per petitioner.

**UPDATE ITEM:**

1. **Zoning Ordinance Amendment:** Kiepora stated the questions could be quite extensive and confusing if addressed individually. He recommended some work sessions to complete the project; Parker agreed. Dessauer noted they had previously discussed addressing issues by the end of the year. After multiple discussions, the board decided to bring their books and start working on the list at the next work session, Dec 4.
2. **As-Built Ordinance:** Austgen stated he delivered it to Murr and is awaiting staff comments. Bakker will follow up with Murr.
3. **Hanover High School Lighting:** Oliphant not available for updated report. Wilkening reminded the group that at the last meeting there were two schools addressed and Oliphant was awaiting update on the lighting fixture being ordered.
4. **Beacon Pointe Unit 1A – Performance LOC - \$63,022.93 to Maintenance LOC:** Bakker stated both items #4 & 5 were requested by the developer and there are a few items still needing reviewed.
5. **Beacon Pointe Unit 2 – Performance LOC - \$421,567.05 to Maintenance LOC:** See Bakker's comment noted in #4 above.
6. **Summer Winds Commercial LLC – Developmental Update:** Huls had left prior to this item to provide an update.

**FEBRUARY MEETING:**

1. **Papiese:** 1-Lot Subdivision

**Public Comment:** Jerry Koster, 134<sup>th</sup> St in Cedar Lake, noted he was building a home in Summer Winds and had concerns related to radon gas in the earth. He asked what the zoning laws/codes were for the developer in regards to prevent radon from entering the home. Bakker stated the Building Department has spoken with Koster and has a message for the building inspector when he returns next week regarding requirements and inspections in this matter. Dessauer noted radon testing was an option but not a requirement during home sales. Wilkening stated if the numbers were not within parameters, an evacuation system could be installed. Parker asked Koster if the home had a basement or crawl space. Koster indicated the home had a basement. Parker stated visqueen

served as a radon and vapor barrier between the gravel and the concrete in a basement per Town Code and would be inspected during the pre-pour footing inspections. Foreman stated Koster could obtain confirmation from the inspector when he returns to work next week.

Koster also inquired about the builder, not the Town, plowing the subdivision. Foreman stated once the subdivision is 80% built out, the performance bond is converted to a maintenance bond. Until then, the Town does not own the road and does not accept it. Therefore, the builder would plow the road. Koster referenced the HOA; Austgen suggested Koster reference his covenants regarding responsibilities. Multiple discussions took place regarding different subdivisions, the HOAs and payment of taxes.

**Adjournment:** 7:50 pm

**Press Session:**

**Next Meetings:** Plan Commission Work Session – December 4, 2019 at 7:00 p.m.  
Plan Commission Public Meeting – December 18, 2019 at 7:00 p.m.

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**Chuck Becker**

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**Heather Dessauer**

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**John Foreman**

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**Greg Parker**

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**John Kiepora**

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**Richard Sharpe**

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**Jerry Wilkening**

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**Attest: Sarah Rutschmann, Recording Secretary**

*The Town of Cedar Lake is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding accessibility of the meeting or the facilities, please contact the Town Hall at (219) 374-7400.*