



CEDAR LAKE PLAN COMMISSION PUBLIC MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
May 18, 2022 at 7:00 pm

Call To Order:

Mr. Kiepura called the Plan Commission Special Work Session to order on Wednesday, May 18, 2022, at 7:02 pm with its members attending on-site and electronically. The Pledge of Allegiance was recited by all.

Roll Call:

Members Present via Zoom: John Foreman. **Members Present On-Site:** Robert Carnahan; Richard Sharpe, Secretary; Chuck Becker; and John Kiepura, Vice President. A quorum was attained. **Also present:** Don Oliphant, Town Engineer; David Austgen, Town Attorney; Ryan Deutmeyer, Town Attorney; Chris Salatas, Town Manager; and Ashley Abernathy, Recording Secretary. **Absent:** Heather Dessauer; and Jerry Wilkening, President.

1. Minutes – April 6, 2022, and April 20, 2022

A motion was made by Mr. Sharpe and seconded by Mr. Becker to approve the Minutes from the April 6, 2022, Work Session and the April 20, 2022, Public Meeting. The motion passed unanimously by roll-call vote:

Mr. Carnahan	Aye
Mr. Foreman	Aye
Mr. Sharpe	Aye
Mr. Becker	Aye
Mr. Kiepura	Aye

2. Cedar Lake United Methodist Church – Final Plat – One (1) Lot Subdivision

Owner: Cedar Lake United Methodist Church

Petitioner: Richard Henry

Vicinity: 7124 West 137th Place, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business was for the Final Plat for a One (1) Lot Subdivision for Cedar Lake United Methodist Church by Petitioner Richard Henry for the property located at 7124 West 137th Place.

Mr. Ken Puent, Pastor for the Cedar Lake Methodist Church, advised he was present on behalf of the Church and they were seeking Final Plat.

Mr. Oliphant advised everything is in order for the Final Plat.

Mr. Kiepura entertained a motion for this item. A motion was made by Mr. Becker and seconded by Mr. Sharpe to approve the Final Plat for a One (1) Lot Subdivision. The motion passed unanimously by roll-call vote:

Mr. Carnahan Aye
Mr. Foreman Aye
Mr. Sharpe Aye
Mr. Becker Aye
Mr. Kiepura Aye

3. Douglas MacArthur Elementary School – Rezone from R-2 to PUD
Petitioner: Crown Point Community School Corporation
Vicinity: 12900 Fairbanks Street, Cedar Lake, IN 46303

Mr. Kiepura advised the next order of business was for the Rezone from R-2 to PUD by Petitioner Crown Point Community School Corporation for MacArthur Elementary School located at 12900 Fairbanks Street.

Mr. Jim Thompson, Gibraltar Design, representing the Petitioner, advised the Plan Commission they have been changing and updating both the engineering and legal documents for the plan. They have engineered the curbs and gutters, and ATT and NIPSCO will relocate their utilities at their expense due to the location of the utilities. They have determined how the water main will go to the northwest corner on 129th Avenue and they have submitted this for review. They are going to install a fire hydrant on the northwest corner of the property on 129th Avenue, to allow for the line to be flushed to prevent the water from being stagnant. They have been updating and working with Mr. Austgen with the PUD Agreement.

Mr. Oliphant commented they have two small comments regarding the easement width and the Water Department requests the water line be capped on the west side. With where the waterline is proposed to go, the water line will remain offline until there is a service line off of the water line. It will exist as a future place holder.

Mr. Salatas advised the Plan Commission, Town staff, and the school's team were anticipating having a meeting early next week to finalize details for the PUD. They are anticipating having this ready to go to the June 7, 2022, Town Council meeting.

Mr. Austgen discussed the legal documents being almost ready for the Plan Commission's consideration and everyone is working diligently to make any required changes for the PUD Agreement to meet the Zoning Ordinance requirements for PUDs. They are anticipating to provide a clean package to the Plan Commission. There will need to be a Special Public Meeting to send a recommendation to the Town Council on June 1, 2022. Discussion ensued regarding the documents not being ready for consideration and to have a Special Public Meeting.

Mr. Kiepura asked if there were any major issues remaining with the PUD Agreement. Mr. Austgen responded the PUD Agreement is a custom document, and they will be finishing the clarification with the meeting that will occur the following week. Ms. Cheryl Zic, Crist, Sears & Zic, LLP, commented on the same

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and noted there are some technical engineering items that need to be modified. Further discussion ensued regarding having a Special Public Meeting.

A motion was made by Mr. Becker and seconded by Mr. Carnahan to defer this item to a Special Public Meeting on June 1, 2022. The motion passed unanimously by roll-call vote:

Mr. Carnahan Aye
Mr. Foreman Aye
Mr. Sharpe Aye
Mr. Becker Aye
Mr. Kiepura Aye

4. Douglas MacArthur Elementary School – Site Plan Approval

Petitioner: Crown Point Community School Corporation

Vicinity: 12900 Fairbanks Street, Cedar Lake, IN 46303

Mr. Kiepura advised the next order of business was for the Site Plan Approval by Petitioner Crown Point Community School Corporation for MacArthur Elementary School located at 12900 Fairbanks Street.

Mr. Austgen advised the Plan Commission to hold the Special Public Meeting before the regularly scheduled Work Session and discussed what will be included in the packet provided to the Plan Commission as a certification to the Town Council, such as the Site Plan for the project.

A motion was made by Mr. Becker and seconded by Mr. Sharpe to defer this item to the June 1, 2022, Special Public Meeting. The motion passed unanimously by roll-call vote:

Mr. Carnahan Aye
Mr. Foreman Aye
Mr. Sharpe Aye
Mr. Becker Aye
Mr. Kiepura Aye

4. Henn – 13212 Wicker Avenue – Performance Letter of Credit Expires May

Mr. Kiepura stated the next order of business was for the Henn Performance Letter of Credit for the property located at 13212 Wicker Avenue.

Mr. Salatas advised the Performance Letter of Credit is being converted to a Maintenance Letter of Credit, with the 10% required for the same. The amount of the Letter of Credit is for \$868.00.

A motion was made by Mr. Carnahan and seconded by Mr. Becker to approve the Maintenance Letter of Credit for \$868.00. Motion passed unanimously by roll-call vote:

Mr. Carnahan Aye
Mr. Foreman Aye
Mr. Sharpe Aye
Mr. Becker Aye
Mr. Kiepura Aye

5. Hanover Community School Corp – Acceptance of Extension of Performance Letter of Credit

Mr. Kiepura advised the next order of business was for the Acceptance of the Extension Performance Letter of Credit for Hanover Community School Corporation.

Mr. Salatas advised Hanover Community School Corporation is requesting a complete roll-over and extension to their existing Performance Letter of Credit, due to the project not being completed, and is the same amount of \$373,557.25 as original Letter of Credit, with an extension date to May 24, 2023.

A motion was made by Mr. Becker and seconded by Mr. Foreman to accept the Extension of Performance Letter of Credit in the amount of \$373,557.25 to May 24, 2023. Motion passed unanimously by roll-call vote:

Mr. Carnahan Aye
Mr. Foreman Aye
Mr. Sharpe Aye
Mr. Becker Aye
Mr. Kiepura Aye

Update Items:

- 1. Henn – 13212 Wicker Avenue – Performance Letter of Credit Expires May 21, 2022**
- 2. Hanover Community School Corp – Performance Letter of Credit Expires May 24, 2022**
- 3. Beacon Pointe Unit 4 – Performance Letter of Credit Expires June 11, 2022**
- 4. Melody Hills Marina**

Mr. Salatas advised the first two items under Update Items have been acted upon and do not need further discussion.

Mr. Kiepura asked if they had any information regarding the Beacon Point Unit 4 – Performance Letter of Credit. Mr. Oliphant advised he has not heard any information from the developers and advised having this on the Special Public Meeting on June 1, 2022, to set a potential pull date.

Mr. Kiepura stated the last item of business was for the Melody Hills Marina. Mr. Austgen stated this was an item Mr. Wilkening requested to be placed on the agenda. Mr. Kiepura commented Mr. Wilkening discussed this item briefly with him over the phone and there has been approval from the DNR to have the piers or marina on the water. However, there was not permission given to operate the marina from the Town.

Mr. Austgen advised the Plan Commission of the process needed for IDNR for approval for lake usage and the permit requesting the Petitioner complying with their local Zoning Jurisdiction. The biggest concern is there is business activity occurring that is not permitted through and by Town Ordinance. The paperwork from IDNR has it marked on the paperwork that this requirement has been met. The Town has no record of that requirement being met.

Mr. Kiepura inquired on what would occur next. Mr. Austgen responded there would need to be some communication and a request for discussions with the property owner. Mr. Kiepura asked if these

discussions could occur initially with Mr. Salatas. Mr. Austgen responded in the affirmative and stated the matter would eventually come back to the Plan Commission.

Mr. Kiepora asked for clarification on why they would need to come in front of the Plan Commission, such as the need for a Site Plan. Mr. Austgen responded it could be for a Site Plan, or it could include more than the Site Plan. There is an extensive operation existing on the property. Discussion ensued regarding the history of the property, including a reduction in billing from the Utility Department, what is occurring on the property, and the location of the property.

Mr. Carnahan commented there are a lot of piers and lifts along the lake for boats.

Mr. Foreman asked if the bar and the piers were all on the same property. Mr. Austgen responded they were not entirely sure on what all is included on the property, and part of what they are wanting to explore.

Mr. Foreman discussed the zoning of the property being Resort and the bar having been in existence. He understands there are concerns; however, he feels that by evaluating this property, they are potentially opening up and creating issues for other similar properties on the lake.

Mr. Kiepora asked if the property has always been a marina. Mr. Austgen responded they have been claiming to operate as a marina, and there had been a pier on the lake that was in poor repair. The pier had been extremely useable and accessible. The property has expanded the use and is now capable of having around 100 boats. There has been a change of scope based on the application to the DNR. This is why there needs to be a meeting with the property owners to obtain more information, to assess the status of the property, and to determine compliance with Town Ordinances. Discussion ensued regarding the property.

Mr. Foreman commented he did not feel this property should be included on the Plan Commission agenda due to being properly zoned and the business having been in existence. Mr. Carnahan agreed to the same.

Mr. Austgen commented the lake activity is sensitive and important to the community. There has been detection of violations of Town Codes and DNR Regulations, and discussed an example that has occurred in Town. With the Lake Eco-Restoration System and dredging project getting ready to begin, they may want to discover a base off of which they will administer what happens on the shore. This could provide an opportunity to look for a level of approach, enforcement, and prosecution. Discussion ensued regarding the scope of business that has been occurring on the property.

Mr. Becker discussed the property not having paved parking and there appears to be a selection and requirement of what properties are required to pave their parking. Further discussion ensued regarding the history of the property and wanting clarification of what is occurring on the property.

Mr. Foreman discussed the different Boards and Commissions that have elected Presidents of the Board, and that by being the President of a Board or Commission does not allow for that individual to be more important than any other member of the Board or Commission. He feels agenda items should not just be placed on an agenda without having discussed it with the rest of the Commission or Board at a Work Session.

Mr. Sharpe asked Mr. Salatas if there have been complaints received by Town staff. Mr. Salatas responded he has not received any complaints. There have been complaints given to the Town Council about people

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using the bathroom outside of the bar. However, he has not received any other complaints in his time present as the Town Manager.

Mr. Austgen advised having this item remain on the agenda and discussing it in when Mr. Wilkening is present, due to his request this item be on the agenda and the mention of leadership-related items. Mr. Austgen discussed having received complaints about the property and the length of time it took to receive the documents from Jill Murr.

Mr. Kiepura advised leaving this item on the agenda under Update Items for the Plan Commission Work Session.

Public Comment: None was had.

Adjournment: Mr. Kiepura adjourned the meeting at 8:00 pm.

TOWN OF CEDAR LAKE PLAN COMMISSION

Jerry Wilkening, President

John Kiepora, Vice President

Richard Sharpe, Member

John Foreman, Member

Robert Carnahan, Member

Heather Dessauer, Member

Chuck Becker, Member

ATTEST:

Ashley Abernathy, Recording Secretary

The Minutes of the Cedar Lake Plan Commission Special Public Meeting are transcribed pursuant to IC 5-14-15-4(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.

Cedar Lake Plan Commission: May 18, 2022, Minutes of the Public Meeting