



CEDAR LAKE PLAN COMMISSION PUBLIC MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
October 19, 2022 at 7:00 pm*

* Immediately following The Town Council Special Meeting and Building Corporation Special Meeting

Call To Order:

Mr. Kiepura called the Plan Commission Public Meeting to order on Wednesday, October 19, 2022, at 7:36 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:** John Foreman; Heather Dessauer; Richard Sharpe, Secretary; Chuck Becker; Greg Parker, Vice President; and John Kiepura, President. A quorum was attained. **Also present:** Don Oliphant, Town Engineer; David Austgen, Town Attorney; Chris Salatas, Town Manager; and Ashley Abernathy, Planning Director. **Absent:** Robert Carnahan.

Minutes

Mr. Kiepura entertained a motion for the September 21, 2022 Public Meeting Minutes; a motion was made by Mr. Sharpe and seconded by Ms. Dessauer to approve the same. Motion passed unanimously by roll-call vote:

Mr. Foreman	Aye
Mr. Sharpe	Aye
Ms. Dessauer	Aye
Mr. Becker	Aye
Mr. Parker	Aye
Mr. Kiepura	Aye

New Business

1. Offshore Estates – Conversion of Performance Letter of Credit to Maintenance Letter of Credit

Mr. Kiepura stated the first order of business was for the conversion of the Performance Letter of Credit to Maintenance Letter of Credit for Offshore Estates.

Mr. Dave Carey was present for this item.

Mr. Oliphant advised that upon completion of their final inspection, there were some minor corrections needing to occur. Additionally, wooden light poles were installed versus the required aluminum pole. The lights are functional, but the light poles are incorrect.

Mr. Carey advised he has reached out to NIPSCO and had been advised they were short on aluminum pole. Due to this, it is why they installed the wooden pole and they will need to change the pole to meet Town Ordinances. Mr. Oliphant stated the Town's requirements for light poles.

Mr. Foreman asked Mr. Oliphant if his recommendation to the Plan Commission was to leave the light poles. Mr. Oliphant responded leaving the light poles would be a policy decision of the Plan Commission. Newer subdivisions are required to install aluminum light poles. The lights are installed correctly according to the Lighting Ordinance. The only variance is the installation of the wood poles. Mr. Oliphant discussed the reasoning for the aluminum light pole requirement.

Mr. Sharpe asked if there were two light poles for the subdivision. Mr. Oliphant responded in the affirmative.

Mr. Kiepora asked Mr. Carey if he has talked with NIPSCO and they will be replacing the light poles. Mr. Carey responded he is waiting for NIPSCO's engineer to return his call. He has not been provided a reason on why the wood poles were installed. Discussion ensued.

Ms. Dessauer asked when they light poles were installed. Mr. Carey responded at the end of August to beginning of September. One of the lights had been installed onto an existing pole, as it was in the approximate location the second light indicated on the Site Plan.

Discussion ensued regarding the supply chain shortage.

Ms. Dessauer asked if they can receive communications from NIPSCO on why they installed the wooden light poles and they will correct the poles with the correct aluminum poles. Mr. Oliphant responded that would be acceptable and they received something similar for another subdivision in Town.

Mr. Oliphant discussed the remaining items are small and include some striping and minor sign installations. Mr. Carey advised the minor items will be addressed within the next week.

Mr. Foreman stated the night prior the Town Council approved the conversion to the Performance Letter of Credit. Mr. Salatas advised the approval is determined based on the Plan Commission's acceptance of the conversion to Maintenance Letter of Credit.

Mr. Foreman inquired if the Maintenance Letter of Credit is sufficient to replace the light poles if needed. Mr. Oliphant advised it should be sufficient. The Maintenance Letter of Credit will be in the amount of \$33,388.38.

The members of the Plan Commission discussed the need for a letter from NIPSCO to state the intent to replace the light pole.

Mr. Oliphant recommended if the acceptance to convert the Letter of Credit into maintenance, a contingency be attached to the conversion including the items noted in the October 17, 2022 letter.

Mr. Austgen concurred with Mr. Oliphant and advised any motion should include the attachment of the October 17, 2022 letter and inclusion of the requirement of a letter from NIPSCO.

Mr. Kiepura asked what is the date of the letter that will be appended. Mr. Oliphant responded the current letter is dated October 17, 2022. Ms. Dessauer inquired as to the location of the letter. Mr. Oliphant advised due to it being issued Monday, it did not make the packet. Ms. Abernathy advised she would circulate the letter to the Commissioners.

Mr. Oliphant asked the Plan Commission if they would like for both light poles to be replaced. Mr. Foreman commented his thoughts are for the new light pole to be replaced, with the existing pole the light was placed on remaining. Mr. Parker asked Mr. Oliphant if NIPSCO would replace the second light pole. Mr. Oliphant responded that NIPSCO would if directed. Discussion ensued.

Ms. Dessauer asked to clarify if the Town's requirement is for aluminum pole and the motion is to require one aluminum light pole to be installed and the second wooden light pole to remain. Mr. Foreman responded in the affirmative. When NIPSCO installed the second light, it was installed on an already existing pole along 136th Place.

A motion was made by Mr. Parker and seconded by Mr. Sharpe to approve the conversion of the Performance Letter of Credit to a Maintenance Letter of Credit for Off Shore Estates noting the October 17, 2022 Christopher B Burke Engineering letter, with the inclusion of any appendages as inspections are complete, and a letter from NIPSCO to be placed in the file regarding the replacement of the wooden light pole located between Lots 7 and 8 to the correct light pole per Town Ordinances. Motion passed 5-Ayes to 1-Nay by roll-call vote:

Mr. Foreman	Aye
Mr. Sharpe	Aye
Ms. Dessauer	Nay
Mr. Becker	Aye
Mr. Parker	Aye
Mr. Kiepura	Aye

Mr. Carey asked with the conversion to Maintenance Letter of Credit, will the road be plowed by the Town. Mr. Oliphant responded in the affirmative.

2. Cedar Lake Storage LLC – Acceptance of Extension of Performance Letter of Credit to July 1, 2023

Mr. Kiepura stated the next order of business was for the acceptance of the extension for the Performance Letter of Credit for Cedar Lake Storage LLC to July 1, 2022.

Ms. Abernathy advised the Plan Commission that the month prior there was acceptance to the reduction of the Letter of Credit for the public infrastructure for Cedar Lake Storage. When the Letter of Credit was being reduced, Mr. Oliphant advised extending the expiration date to July 1, 2023 to allow for time for the public infrastructure to be completed. The bank advised that they could not do the extension on the Letter of Credit until the reduction had been approved. Thus, this is in front of the Plan Commission to accept the extension of the Letter of Credit.

Mr. Kiepura asked if the Letter of Credit being discussed includes the extension of the sidewalk. Mr. Oliphant responded one of the reason the public Performance Letter of Credit was not rotated into Maintenance Letter of Credit was due to the sidewalk extension needing to occur. The intent is to finish the sidewalk with the surface asphalt.

Mr. Oliphant noted the reduced public Performance Letter of Credit amount is \$7,700.00.

A motion was made by Ms. Dessauer and seconded by Mr. Sharpe to accept the extension of the Performance Letter of Credit to July 1, 2023. Motion passed unanimously by roll-call vote:

Mr. Foreman Aye
Mr. Sharpe Aye
Ms. Dessauer Aye
Mr. Becker Aye
Mr. Parker Aye
Mr. Kiepura Aye

3. Centennial Villas – Extension of Preliminary Plat

Owner: Cedar Lake Development LLC, 8051 Wicker Avenue, St. John, IN 46373

Petitioner: Olthof Homes, 8051 Wicker Avenue, St. John, IN 46373

Vicinity: 13830 Parrish Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for the extension of the Preliminary Plat for Centennial Villas Unit 3 by Petitioner Olthof Homes.

Mr. Jeff Yatsko, Olthof Homes, stated their request is as stated. They are looking to extend the Preliminary Plat for one year while they finish work in Unit 3. They have installed the utilities and the water line. They still need to install the road, and they intend working on this in their 2023 plans.

Ms. Abernathy advised with the approval of the extension, the Preliminary Plat would expire October 20, 2023.

A motion was made by Mr. Parker and seconded by Ms. Dessauer to approve the extension of the Preliminary Plat to October 20, 2023. Motion passed unanimously by roll-call vote:

Mr. Foreman Aye
Mr. Sharpe Aye
Ms. Dessauer Aye
Mr. Becker Aye
Mr. Parker Aye
Mr. Kiepura Aye

Update Items:

1. Building Regulations & Fee Amendment
2. 133rd Commercial Corridor Moratorium
3. Nyby Development Corp. – Preliminary Plat for One Lot Subdivision & Site Plan.

Mr. Salatas advised these items are still being worked on.

4. Lakeside Unit 1, Block 2 – Maintenance Letter of Credit Expires December 3, 2022

Mr. Oliphant advised they have issued a letter to the developer on October 14, 2022 with minor repair items. This letter should be able to rollover.

5. Rose Garden Estates, Unit 2 – Performance Letter of Credit Expires December 9, 2022

Mr. Oliphant stated he anticipates the Letter of Credit to be renewed in full. There have been no as-builts received and no requests for any inspections.

6. Beacon Pointe, Unit 4 – Performance Letter of Credit Expires December 11, 2022

Mr. Oliphant stated they conducted an inspection with the developer the week prior. All the work appears to be in order with the exception of a crack seal that will need to occur. Once this is complete, the letter will be able to be converted to Maintenance Letter of Credit.

7. Sumer Winds Unit 2 – Performance Letter of Credit Expires December 20, 2022
8. Summer Winds Unit 3 – Performance Letter of Credit Expires December 23, 2022

Mr. Oliphant stated there has been minimal communication from the developer. He anticipates the letters being extended.

Discussion ensued regarding times when Letters of Credit needed to be pulled on due to incompleteness by developer.

Mr. Foreman inquired if a developer is unable to complete the improvements, when does the Letter of Credit need to be pulled upon or will the Performance Letter of Credit automatically convert to a Maintenance Letter of Credit. Mr. Austgen advised the Letter of Credit does not automatically convert. If it is not extended or drawn upon, it will expire. Discussion ensued.

Mr. Kiepora noted setting any pull dates for the Summer Winds Letters of Credit during the November 16, 2022 Public Meeting.

Public Comment: None was had.

Adjournment: Mr. Kiepora adjourned the meeting at 8:02 pm

TOWN OF CEDAR LAKE PLAN COMMISSION

John Kiepora, President

Greg Parker, Vice-President

Richard Sharpe, Secretary

John Foreman, Member

Robert Carnahan, Member

Heather Dessauer, Member

Chuck Becker, Member

ATTEST:

Recording Secretary

The Minutes of the Cedar Lake Plan Commission Work Session 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.

Cedar Lake Plan Commission: Minutes of the Public Meeting October 19, 2022.