



CEDAR LAKE PLAN COMMISSION PUBLIC MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
July 19, 2023 at 7:00 pm

Call To Order:

Mr. Kiepura called the Plan Commission Public Meeting to order on Wednesday, July 19, 2023, at 7:11 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:** Robert Carnahan; James Hunley; Heather Dessauer; Greg Parker, Vice President; and John Kiepura, President. A quorum was attained. **Also present:** Don Oliphant, Town Engineer; Chris Salatas, Town Manager; David Austgen, Town Attorney; Ashley Abernathy, Planning Director; and Cheryl Hajduk, Recording Secretary.

Absent: Richard Sharpe, Secretary

Minutes

Mr. Kiepura entertained a motion for the June 7, 2023 Work Meeting minutes and June 21, 2023 Public Session Meeting minutes, a motion was made by Mr. Foreman and seconded by Ms. Dessauer to approve the same. Motion passed unanimously by roll-call vote:

Mr. Carnahan	Aye
Mr. Foreman	Aye
Mr. Hunley	Aye
Ms. Dessauer	Aye
Mr. Parker	Aye
Mr. Kiepura	Aye

Agenda:

1. 2023-09 - 141st Partners – Preliminary Plat Extension Request

Owner: 141st Partners LLC, Mike Neubauer, 2802 East 139th Avenue, Crown Point, IN 46307

Petitioner: 141st Partners LLC, 2802 East 139th Avenue, Crown Point, IN 46307

Vicinity: 10702 West 141st Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the first order of business is for a Petition requesting a one-year extension for a Preliminary Plat of a One Lot Subdivision.

Ms. Abernathy stated no one is present and at the last meeting it was discussed they were going to wait until October on getting their Final Plat which would have made the Preliminary Plat expire. They are requesting an extension for Preliminary Plat for one year to July 20, 2024.

Ms. Dessauer asked why are we talking about another year. Ms. Abernathy stated this is just to extend the Preliminary Plat and per our Ordinance, it is good for one year unless a Phase is given a Final Plat. The bigger subdivisions that have four phases, do the Final Plat of one phase instead of extending past the Final Plat. They got Preliminary Plat last year and they're doing one Final Plat, because the Final Plat isn't going to be done until after the Preliminary Plat would have been approved last year, it would expire tomorrow.

Mr. Foreman commented the letter stated the additional time is to finalize public utility installation prior to finalizing the Letter of Credit amount for final platting.

Mr. Austgen stated it has to do with money, maturity and posting. Mr. Oliphant stated they probably will not need a year. Discussion ensued.

A motion was made by Mr. Foreman and seconded by Mr. Carnahan to approve the one-year extension to July 20, 2024. Motion passed by roll-call vote, 4-Ayes, 2-Nays:

Mr. Carnahan	Aye
Mr. Foreman	Aye
Mr. Hunley	Aye
Ms. Dessauer	Nay
Mr. Parker	Nay
Mr. Kiepura	Aye

2. 2023-11 – Centier – Final Plat

Owner/Petitioner: CL-133, LLC, 9901 Express Drive, Highland, IN 46322

Vicinity: 9720 West 133rd Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Petition requesting a Final Plat for a two-lot subdivision.

Mr. Bruce Boyer, Boyer Properties and CL-133, stated we are requesting the Final Plat approval for the Centier PUD. We received Mr. Oliphant's final review letter with no additional comments. We've paid for the inspection fees, and provided the Irrevocable Letter of Credit and the signed Mylars.

Mr. Oliphant commented we issued the letter on July 10, 2023 with no comments on the Plat and the Letter of Credit amount and the 3% inspection of \$1,949.10. The Performance Letter of Credit will be in the amount of \$71,467.

Ms. Abernathy commented we received the inspection fee and we also have the Letter of Credit, and if this is approved tonight, it can be on the August 1, 2023 Town Council Agenda for their approval and acceptance.

A motion was made by Mr. Foreman and seconded by Mr. Hunley to approve the Centier Final Plat for the two-lot subdivision per the Engineering Letter. Motion passed unanimously by roll-call vote:

Mr. Carnahan Aye
Mr. Foreman Aye
Mr. Hunley Aye
Ms. Dessauer Aye
Mr. Parker Aye
Mr. Kiepura Aye

3. Birchwood Farms – Conversion of Performance Letter of Credit to Maintenance Letter of Credit for Phases 1 – 3

Mr. Kiepura stated the next order of business is for a conversion of Performance Letter of Credit to Maintenance Letter of Credit for Phases 1 – 3.

Ms. Abernathy stated they are requesting a deferral to August. Phases 1 through 3 and Phase 5 will be together with one Letter of Credit.

A motion was made by Ms. Dessauer and seconded by Mr. Hunley to defer this item to the August meeting. Motion passed unanimously by roll-call vote:

Mr. Carnahan Aye
Mr. Foreman Aye
Mr. Hunley Aye
Ms. Dessauer Aye
Mr. Parker Aye
Mr. Kiepura Aye

4. Beacon Pointe East, Unit 2 – Extension of the Performance Letter of Credit

Mr. Kiepura stated the next order of business is for an extension of the Performance Letter of Credit.

Ms. Abernathy stated they sent in a request to extend the Performance Letter of Credit to January 30, 2024 in the amount \$182,135.46. Due to this letter expiring next week, it was approved at the Town Council and we're looking to ratify this approval.

A motion was made by Mr. Foreman and seconded by Ms. Dessauer to approve Beacon Pointe East, Unit 2, the extension of the Performance Letter of Credit to January 30, 2024 in the amount of \$182,135.46. Motion passed unanimously by roll-call vote:

Mr. Carnahan Aye
Mr. Foreman Aye
Mr. Hunley Aye
Ms. Dessauer Aye
Mr. Parker Aye
Mr. Kiepura Aye

5. Beacon Pointe East, Unit 1 – Extension of the Performance Letter of Credit

Mr. Kiepura stated the next order of business is for an extension of the Performance Letter of Credit.

Ms. Abernathy stated they sent in a request to extend the Performance Letter of Credit to January 30, 2024 in the amount \$341,736.80.

A motion was made by Ms. Dessauer and seconded by Mr. Parker to approve Beacon Pointe East, Unit 1, the extension of the Performance Letter of Credit to January 30, 2024 in the amount of \$341,736.80. Motion passed unanimously by roll-call vote:

Mr. Carnahan Aye
Mr. Foreman Aye
Mr. Hunley Aye
Ms. Dessauer Aye
Mr. Parker Aye
Mr. Kiepura Aye

6. Beacon Pointe East, Unit 1A – Extension of the Maintenance Letter of Credit

Mr. Kiepura stated the next order of business is for an extension of the Maintenance Letter of Credit.

Ms. Abernathy stated they sent in a request to extend the Maintenance Letter of Credit to January 30, 2024 in the amount \$25,209.17.

Mr. Foreman asked if this is the furthest north part of Beacon Pointe. Ms. Abernathy commented this is one of the first phases.

A motion was made by Ms. Dessauer and seconded by Mr. Parker to approve Beacon Pointe East, Unit 1A, the extension of the Maintenance Letter of Credit to January 30, 2024 in the amount of \$25,209.17. Motion passed unanimously by roll-call vote:

Mr. Carnahan Aye
Mr. Foreman Aye
Mr. Hunley Aye
Ms. Dessauer Aye
Mr. Parker Aye
Mr. Kiepura Aye

7. Beacon Pointe, Unit 2 – Extension of the Maintenance Letter of Credit

Mr. Kiepura stated the next order of business is for an extension of the Maintenance Letter of Credit.

Ms. Abernathy stated they sent in a request to extend the Maintenance Letter of Credit to January 30, 2024 in the amount \$151,452.32.

A motion was made by Mr. Foreman and seconded by Ms. Dessauer to approve Beacon Pointe, Unit 2, the extension of the Maintenance Letter of Credit to January 30, 2024 in the amount of \$151,452.32. Motion passed unanimously by roll-call vote:

Mr. Carnahan Aye
Mr. Foreman Aye
Mr. Hunley Aye
Ms. Dessauer Aye
Mr. Parker Aye
Mr. Kiepura Aye

Update Items:

1. Building Regulations & Fee Amendment

Mr. Salatas commented a handout was given to the Board regarding current rates for building permits excluding any zoning fees. This is what the Building Department uses to calculate building permit fees based off of home size. This an approximation used for a 1,600-foot square house, which is the minimum to build to give an estimate of what the total fees would be for a permit. A house of that size would give a \$3,400 building permit cost. It also shows the tap fees and gives an idea of how much a building permit would cost in Cedar Lake. It is a hard target to hit because it has a lot of variables and the proposed numbers on the second page of the handout shows a 56% increase from the current rates on average, which comes out to about \$1,900 additional. This is based off of the historic increase of the Building Department, salaries go up a certain percentage every year and this is cost based. This is off the cost of inspections and took the existing of what we have, added approximately 56% to cover the increases in the department from 2017 to today. Every five years rates and charges should be evaluated for covering costs and then administration can review the fees for their appropriateness at that time.

Mr. Foreman asked what is the objective for finalizing. Mr. Salatas commented before the end of the year, if possible. Some of the items he would like to see consolidated; e.g, the separate sections for mechanical on the building permit can be consolidated since they are the same cost if the Plan Commission and Town Council agree so we can cleanup the Building Department worksheet.

Discussion ensued regarding how the fees are calculated.

Ms. Dessauer asked how does this compare to other municipalities. Mr. Salatas commented it is about average. A road impact fee has been discussed with the Town Council. Discussion ensued.

Ms. Dessauer asked if any amount can be scaled back. Mr. Salatas stated the building permit numbers cannot be scaled because there are too many variables in place to scale that. Park or road impact fees are a set amount for a house regardless of how big. The building permit fees would be more significant if building a big home. Discussion ensued.

2. Rose Garden Estates Unit 3 – Performance Letter of Credit expires August 22, 2023

Ms. Abernathy stated they sent a request to extend and pull for an additional year. This will be on the agenda next month.

3. Birchwood Phase 1 – Performance Letter of Credit expires October 5, 2023

Mr. Oliphant stated this will rotate with phases 1 through 5 and then Phase five sometime in August.

4. Centennial Phase 12 – Maintenance Letter of Credit expires October 13, 2023

Mr. Oliphant stated our punch lists have been completed and it should go out tomorrow to Olthof and then we will get to those items and have them addressed by October.

5. Rose Garden Estates Unit 1 – Performance Letter of Credit expires October 14, 2023

Mr. Oliphant stated they have an outstanding punch list. Ms. Abernathy commented sometime in September we will likely get an extension.

Public Comment:

Ms. Barb Orze, 10290 W. 138th, commented about Lakeside South regarding 141st Avenue and the road project this road needs to be fixed and then again after the construction of Lakeside South. She also mentioned about the water supply coming from the lighthouse well and Schillings assured that there would be enough water for the Lakeside South, but what happens to the residents that have their own wells that live in the vicinity if the wells dry. Will there be someone mediating this topic. Discussion ensued with Mr. Foreman regarding his well on his property. Mr. Foreman mentioned the Residential TIF that was approved July 1, 2023 that could help with road projects.

Ms. Barbara Littles, 9650 W. 135th Place, commented when the Parrish Project was complete there was a makeshift stop sign put there, but there needs to be a more permanent type of sign. There is so much traffic through there and some people do not stop. She cannot get out of her subdivision in the mornings and there are children always trying to cross the street, which is a school zone. Discussion ensued regarding the car and foot traffic. This topic will be brought up to the Police Chief and we will ask to do a warrant analysis for a stop sign. Discussion ensued regarding getting a crossing guard for that area.

Ms. Abernathy commented we have a working group with public safety officials, myself, Mr. Salatas and Mr. Oliphant to work on getting a local road safety plan, so keep an eye out, because once we get that back from Engineering, there is going to be a public forum where the public is invited to come forward and provide input like this and what is being seen on the streets for where we need to look.

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

Jim Hunley, Member

ATTEST:

Cheryl Hajduk, 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 July 19, 2023.