



**CEDAR LAKE PLAN COMMISSION PUBLIC MEETING MINUTES**  
**CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA**  
**March 20, 2024 at 7:00 pm**

**Call To Order:**

Mr. Kiepura called the Plan Commission Public Meeting to order on Wednesday, March, 2024, at 7:02 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:** Chuck Becker; Greg Parker; Robert Carnahan; James Hunley; Heather Dessauer, Secretary; Jerry Wilkening, Vice President; and John Kiepura, President. A quorum was attained. **Also present:** Don Oliphant, Town Engineer; Ryan Deutmeyer, Town Attorney; Ashley Abernathy, Planning Director; and Cheryl Hajduk, Recording Secretary.

**Absent:** None

**Minutes:**

Mr. Kiepura entertained a motion for the January 17, 2024 Public Meeting; February 7, 2024 Work Session, and February 21, 2024 Public Meeting, a motion was made by Ms. Dessauer and seconded by Mr. Hunley to approve the same. Motion passed unanimously by roll-call vote:

Mr. Becker	Aye
Mr. Parker	Aye
Mr. Carnahan	Aye
Mr. Hunley	Aye
Ms. Dessauer	Aye
Mr. Wilkening	Aye
Mr. Kiepura	Aye

**Agenda:**

- 1. 2024-02 – Joyful Acres – Preliminary Plat**  
**Owner/Petitioner: Linsey Porter, 6425 W 141<sup>st</sup> Avenue, Cedar Lake, IN 46303**  
**Vicinity: 6425 W 141<sup>st</sup> Avenue, Cedar Lake, IN 46303**

Mr. Kiepura stated the first order of business is for a Petition requesting a Preliminary Plat for a One Lot Subdivision. Mr. Austgen advised legals are in order.

Mr. Nathan Vis, Vis Law, 12632 Wicker Avenue, commented we are here requesting a standard one lot subdivision which is on a lot of six and a half acres. My client is now selling the property, but we want to finish the process of getting the Preliminary Plat approval for a One Lot Subdivision and this would include one lot waivers, no detention, sidewalk or park dedication.

Mr. Oliphant commented we recommended an approval with two contingencies, standard waivers for park dedication, tree placement and sidewalk. The recordation of the Plat of Survey will have a place holder. We recommend a drainage easement and this will restrict development, but there is plenty of developable area in the northeast corner of the lot.

Mr. Kiepura asked if there were any remonstrators for or against this Preliminary Plat. Seeing none; public comment is closed.

Mr. Wilkening asked if there was a permit for the fill and it looks like there are piles of clay. Ms. Abernathy commented previous to the Porters owning the property when it was unsafe, there was a foundation and per the Unsafe Board, they were to fill in where the foundation was.

A motion was made by Mr. Parker and seconded by Mr. Hunley to approve the Preliminary Plat for a One Lot Subdivision and contingent on Christopher B. Burke's letter of March 15, 2024 and also contingent on the piles of dirt sitting on the property. Motion passed unanimously by roll-call vote:

Mr. Becker     Aye  
Mr. Parker     Aye  
Mr. Carnahan   Aye  
Mr. Hunley     Aye  
Ms. Dessauer   Aye  
Mr. Wilkening  Aye  
Mr. Kiepura    Aye

## **2. Amendment to Rose Garden Unit 2 Performance Letter of Credit**

Mr. Kiepura stated the next order of business is for the Amendment to Rose Garden Unit 2 Performance Letter of Credit.

Ms. Abernathy commented she would like to make a small change to this request. Their request was to amend Unit 2 to officially remove People's Bank as the advising bank and adding where we can draw from should we need to draw on the Letter of Credit. The bank sent requests to amend all three standing Letters of Credit for Rose Garden for Units 1, 2 and 3 to remove People's Bank as the advising bank and add in where we can draw should we need to on all three of those Letters of Credit. There is no reduction, and it is just changing from People's Bank as the advising on all three to BMO Harris Bank.

Mr. Austgen stated there are millions of dollars involved and the Letters of Credit are substantial and they need to be reviewed.

A motion was made by Mr. Wilkening and seconded by Ms. Dessauer to defer this item to the April Public Meeting. Motion passed unanimously by roll-call vote:

Mr. Becker     Aye  
Mr. Parker     Aye  
Mr. Carnahan   Aye  
Mr. Hunley     Aye  
Ms. Dessauer   Aye  
Mr. Wilkening  Aye  
Mr. Kiepura    Aye

**Update Items:**

1. Cedar Lake Storage – Phase 2 Update

Ms. Abernathy commented they are still in compliance with the approvals and still awaiting to hear when they will be paving Phase 2.

2. Beacon Pointe West Unit 5 – Performance Letter of Credit expires May 19, 2024

Mr. Oliphant commented this will most likely get extended to the end of the year.

3. Hanover Community School Corp – Performance Letter of Credit expires May 24, 2024

Ms. Abernathy commented the school is working on figuring out if they are going to reduce or move to extend. Mr. Oliphant commented they are working on as built.

4. Perez – Performance Letter of Credit expires June 14, 2024

Ms. Abernathy commented they will be extending.

Ms. Dessauer commented since this property is for sale, how does this affect what we are doing. Mr. Austgen commented we are getting surety for the performance of the responsibilities under the approval and this should carry over to the new purchaser.

Mr. Kiepura asked will the Letter of Credit be carried over to the new owner. Mr. Austgen commented the new owner will be the holder of the Letter of Credit or the issuer of the surety and a transaction to be properly done in a closing transaction buy or sell.

**Tabled:**

**2023-18 Bay Bridge**

**2023-19 Founders Creek**

**2023-20 Red Cedars**

**Public Comment:**

Mr. Wilkening commented the MS4 for Beacon West, has that been rectified. Mr. Oliphant commented to an extent. It was more their western property joiner railside.

Mr. Wilkening commented the MS4 fine was considerable for the Parrish Avenue area. Mr. Oliphant commented that fine was in 2022 and was never assessed by the former administration. They have been better. Once they got the pond under control, it takes a lot of offsite flow, so there is a lot of flux in it and there was a problem managing things coming into it.

Mr. Austgen commented when the previous administration left office, there had been a list generated based upon reports from Christopher B. Burke and the MS4 liabilities and responsibilities, and costs. Is there an update. Mr. Oliphant commented at the end of last year it was Council's direction to start issuing

outstanding fine notices to every developer in Town that had outstanding fines that were assessed. Discussion ensued regarding fines.

Mr. Wilkening commented he is more concerned of it not being correct. How much is fixed. Mr. Oliphant commented a majority of it, but that changes with every inspection and some are better than others. There isn't enough staff to keep an eye on all of the developers.

Mr. Austgen commented if there was a quarterly schedule from Mr. Oliphant's team would help.

Mr. Oliphant stated they are operating under the Town's general permit and they pledge our sign off that they will follow all Rules and Regulations. Anything over an acre needs that and the ones under an acre need to operate under the general rules for soil erosion sediment control. It is an unfunded mandate that in a municipality of over 10,000 people has to follow.

Mr. Austgen stated it is funded in fine collection. Mr. Oliphant stated it is unfunded that you have to pay it yourselves and not getting any money from the State to fund it. It is up to the policy makers here on how hard they want to push it. Discussion ensued regarding fines and how they have been handled.

**Adjournment:** Mr. Kiepura adjourned the meeting at 7:28 pm.

## TOWN OF CEDAR LAKE PLAN COMMISSION

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John Kiepura, President

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Jerry Wilkening, Vice-President

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Heather Dessauer, Secretary

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James Hunley, Member

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Robert Carnahan, Member

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Greg Parker, Member

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Chuck Becker, Member

ATTEST:

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Cheryl Hajduk, Recording Secretary

*These Minutes 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.*

*Minutes of March 20, 2024.*