



CEDAR LAKE PLAN COMMISSION WORK SESSION MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
July 3, 2024 at 6:00 pm

Call To Order:

Mr. Kiepura called the Plan Commission Work Session to order on Wednesday, July 3, 2024, at 6:01 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 (arrived at 6:24 pm); Jerry Wilkening, Vice-President; Heather Dessauer, Secretary; and John Kiepura, President. A quorum was attained. **Also present:** Don Oliphant, Town Engineer; David Austgen, Town Attorney; Jeff Bunge, Town Manager; Tim Kubiak, Director of Operations; and Kirsten Smith, Administrative Assistant

Absent: Cheryl Hajduk, Recording Secretary

Old Business:

1. 2023-22 Bank Shots Bar & Grill Preliminary Plat

Owner: Joe Lopez, 3205 Glenwood Dyer Road, Lynwood, IL 60411

Petitioner: Adam McAlpine, 398E 400N Valparaiso, IN 46383

Vicinity: 8120 Lakeshore Dr., Cedar Lake, IN 46303

Mr. Kiepura stated the first order of business is for a Petition requesting a Preliminary Plat for a bar and restaurant renovation project to include new parking lot, perimeter sidewalk, storm sewer system, and landscaping.

Nobody was present. Ms. Smith commented Mr. McAlpine was going to come to the next work session.

Mr. Kiepura commented they can come to the next work session.

Mr. Austgen commented the staff should send a letter to the Petitioner to come to the next work session to have record of attendance.

2. 2024-10 Schilling Development – Preliminary Plat

Owner: Cedar Lake 133, LLC, PO Box 677, St. John, IN 46373

Petitioner: Schilling Development, PO Box 677, St. John, IN 46373

Vicinity: 5604 W 141st Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Petition for a Preliminary Plat for Lakeside South Unit 1.

Mr. Jack Slager, Schilling Development, commented he was happy to report that our legal team and the Town's legal team is making progress. We would like to be on the Public Hearing in two weeks.

Mr. Wilkening asked if CBBEL's letter is good and ok with the progress. Mr. Oliphant stated we need to figure out things with the water main, which is part of the legal process.

3. Request for Address Change on 142nd Avenue by Paul Misch

Owner: Paul Misch

Petitioner: Paul Misch

Mr. Kiepura stated the next order of business is for a Petition requesting an address change to be assigned and voted in by the Board.

Mr. Paul Misch, 14201 Solfer Street, Cedar Lake, commented he followed up with the Postmaster and they said we aren't the only ones that are out of sequence, but the address needs to be an odd number.

Mr. Kiepura asked what do we have to do. Mr. Austgen stated under the Code, the Plan Commission makes the decisions of street numbers and street names.

Mr. Misch commented we can make the address 9021. Discussion ensued regarding figuring out an address.

Mr. Kiepura commented to come back in two weeks for Public Hearing.

Mr. Austgen commented Mr. Misch should get documentation from the Post Office to have on file and that there isn't an objection with the Postmaster.

4. Oakbrook Phase 2 Final Plat

Owner: Cedar Lake 133, LLC, PO Box 677, St. John, IN 46373

Petitioner: Schilling Development, PO Box 677, St. John, IN 46373

Vicinity: 5604 W 141st Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Petition for a Final Plat for Oakbrook, Phase 2.

Mr. Jack Slager, Schilling Development, commented we will be back in two weeks requesting the Final Plat for Oakbrook, Phase 2 and these are the remaining lots for Oakbrook. We did Phase 1 two years ago. All of the infrastructure is in and all of the curbs and stone is in. We did our approval of the stone and the asphalt will be going in.

Mr. Oliphant commented we set the overall fee and we will be up to the end of our submittal deadline.

5. Extension for Preliminary Plat Beacon Pointe 6, 7, 8

Owner: Beacon Pointe of Cedar Lake, LLC, PO Box 677, St. John, IN 46373

Petitioner: Schilling Development, 8900 Wicker Ave., St. John, IN 46373

Vicinity: 13830 Parrish Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Petition requesting a 12-month extension of Primary Plat of Beacon Pointe Units 6, 7, and 8 from 9/21/24 to 9/21/25.

Mr. Jack Slager, Schilling Development, commented this is an extension for Beacon Point West, Unit 8, which is the final unit that is undeveloped. We have developed and final platted Phases 6 and 7, so Phase 8 is the remaining phase.

New Business:

1. Hanover Central High School – Concept Plan for Synthetic Turf Fields

Owner: Hanover Central High School, 10120 W. 133rd Avenue, Cedar Lake, IN 46303

Petitioner: Aaron Reynolds/Aaron Hurt, 530 E. Ohio Street, Suite G, Indianapolis, IN 46204

Vicinity: 10120 W. 133rd Ave., Cedar Lake, IN 46303

Mr. Kiepura stated the first order of new business is for a Petition for a request to put in synthetic turf for the Hanover Central High School fields.

Ms. Becky Feigh, Civil Environmental Consultants, 530 E. Ohio Street, Indianapolis, IN commented the high school would like to put synthetic turf to their softball and baseball diamonds. The project would consist of synthetic turf and underground drains and replacement of some fencing.

Mr. Oliphant commented we met with Civil Environmental Consultants and this is similar to what a lot of the high schools are doing now. Hanover did their football field and this will include their softball and baseball fields. This will be on the agenda for Site Plan in August.

Mr. Carnahan commented they will need proper drainage. Mr. Oliphant commented there will be an underdrain installation that will funnel to perimeter drains to an outlet to their existing system. There is a stone base, which we are converting from grass to more of an impermeable where there will not be a lot of filtrations. The stone layer which has voids will compensate for increased in runoff. This will mitigate in land use.

Mr. Wilkening asked is the discharge for rate going to be increased to the retention pond to the East. Mr. Oliphant said “no,” it will be based on the aggregate that is underneath the turf field installation; it offsets it and it is insignificant if it is not reduced. This is how we mitigate any increase versus providing additional storage. They have increased that regional pond to the East, twice, and some of their improvements are the last three or four years. It is landlocked and we have the sidewalk going around it, going towards up the water tower property and towards Monastery South. That basin is capped on size.

Mr. Wilkening asked will there be disturbances to the existing pond. Mr. Oliphant responded in the negative. The baseball field may have a separate outlet to it, but the softball field is going to the interior system, which will make it to the pond.

Mr. Kubiak commented he was looking at the as-builts for the property and there are deficiencies and things that were not finished or done with the stormwater system. Mr. Oliphant commented those are the as-builts related to the athletic field construction to the West and then interior construction that was completed with the high school improvements. We submitted an as-built letter on June 18, 2024 and there were some busts in the survey, which were more of an issue and they claimed they couldn't get some of the grates open. Discussion ensued regarding the list from the as-builts.

Mr. Wilkening asked are there assurances for the things that are not done. Mr. Oliphant responded in the negative because it is all private infrastructure. We require as-builts for everything, public or private, but we are not holding assurity for private. Discussion ensued.

Mr. Carnahan commented the Town Council met with the school board and we pointed out a number of deficiencies and they will work on it.

Mr. Kiepura commented he isn't comfortable giving approvals until we have the as-builts that Mr. Kubiak needs. Mr. Oliphant commented he will let the Board know when they come in. The response from Skillman was two weeks ago, and nothing new has been submitted. Discussion ensued regarding the draining with the stormwater system.

Mr. Wilkening commented there seems to be a lot of homework. Mr. Oliphant commented it was a significant letter. It was two separate approved projects the high school improvements and the athletic fields improvements and it was a bigger as-built.

Mr. Oliphant commented we can provide an update in two weeks. If the surveys were right, it is going to require field modifications, which are not going to be quick.

2. MacArthur Elementary Letter of Credit due for expiration on August 19, 2024, requesting to allow Letter of Credit to expire.

Mr. Oliphant commented this is an abnormal request and there is no reason to let the Performance Letter of Credit lapse. This was Skillman and the letter is for \$312,000. We have received no as-builts on this parcel and we know some of the sidewalk is not installed and there are things that need to be corrected.

Mr. Carnahan stated at the Town Council meeting, they said it would be complete for the opening school year of 2024-2025.

Mr. Kubiak commented their complete and our complete are two different things.

Mr. Oliphant commented occupancy is dependent on as-builts and sign-offs. Mr. Kubiak commented they have their temporary occupancy based on them doing it throughout the whole building and it has never been not occupied.

Mr. Bunge asked can the temporary occupancy expire. Mr. Austgen responded in the negative and just the construction schedule that Skillman presented.

Mr. Oliphant commented they need to extend for six months. It is going to take time to get as-builts together and school is going to be getting back together.

Mr. Becker commented we continue to have problems with Skillman. Discussion ensued regarding the Letter of Credit and how the Town drives the Letter of Credit.

Ms. Dessauer asked are we to contact the bank. Mr. Austgen stated it would be the contractor and the School Corporation. They are the ones to cause to be a Letter of Credit issued the assurity. Their agent is Skillman. There is a document validation and information validation in that letter and they have to rely on that or they are in breach.

Mr. Oliphant commented the August 19, 2024 is before the public meeting. There may need to be a special meeting on July 17, 2024 for a pull date. At least a six-month extension would be needed for three months so that Public Works and we inspect, get the punch list and have revisions done and re-inspect. That takes time.

Mr. Wilkening asked is the water issue resolved. Mr. Oliphant commented the tank is not getting online until the parts come in.

Mr. Carnahan asked who is going to notify the school that they need to be at the Public Meeting in two weeks. Mr. Austgen replied the Town Manager and that he would need to send a letter to Skillman and to the School Corporation Administrative Offices.

Update Items:

1. Cedar Lake Storage – Phase 2 Update

Mr. Oliphant commented this was extended for 45-days.

2. Beacon Pointe Unit 3 – Maintenance Letter of Credit expires July 12, 2024

Mr. Oliphant commented this can be allowed to expire.

3. Beacon Pointe East, Unit 4 – Performance Letter of Credit expires July 25, 2024

Mr. Oliphant commented this will extend for a year and this is the northern portion and will extend to July 25, 2025.

4. Beacon Pointe East, Unit 1, Performance Letter of Credit expires July 30, 2024

Mr. Oliphant commented this has been extended to October 30, 2024.

5. Rose Garden Estates, Unit 3 – Performance Letter of Credit expires August 22, 2024

Mr. Oliphant commented this was extended for another year for \$1,913,000.

6. Birchwood, Phase 3 – Maintenance Letter of Credit expires September 5, 2024

Mr. Oliphant commented this is on by mistake.

7. Centennial Estates, Phase 1 – Maintenance Letter of Credit expires September 5, 2024

Mr. Oliphant commented this is on by mistake.

8. Centennial Estates, Phase 2 – Performance Letter of Credit expires September 5, 2024

Mr. Oliphant commented this will be rotated into Maintenance. Final coat of asphalt will be done mid-July.

9. Centennial, Phase 15 – Maintenance Letter of Credit expires September 5, 2024

Mr. Oliphant commented it expires on September 5, 2024 and need to do inspections.

10. Centennial Villas, Phase 1 – Maintenance Letter of Credit expires September 5, 2024

Mr. Oliphant commented this is on by mistake.

11. Centennial Villas, Phase 2 – Performance Letter of Credit expires September 5, 2024

Mr. Oliphant commented he spoke to Olthoff and they will extend the Letter of Credit for a year.

12. Update for Lighting Ordinance into Town Code.

Mr. Austgen commented he is working on it.

Tabled:

2023-18 Bay Bridge

2023-19 Founders Creek

2023-20 Red Cedars

Public Comment:

Mr. Oliphant commented we are going to provide monthly MS4 updates either at public meeting or work session. It will be a collaboration between the Administrative Assistant and myself and we can summarize our inspections and our recommendations and how to fine or stop work order recommendations have been processed and paid.

Mr. Wilkening asked how much MS4 items are not corrected. Mr. Oliphant commented that would be developments we have recommended fines on. On the 16 active right now, and in Q2, we had four of the 16 that have fines on them.

Mr. Kubiak commented these are being corrected as they go and even when they have been fined. Discussion ensued.

Ms. Smith commented that Beacon Pointe, units 1 and 4 will be going to Town Council first and then coming to Plan Commission.

Mr. Carnahan commented he commended Ms. Smith by taking on extra duties and she is supposed to be the Town Manager's Administrative Assistant, but due to the fact, that we do not have a Planning Director, she is extending herself and he appreciates it. The Board also thanked Ms. Smith.

Adjournment: Mr. Kiepura adjourned the meeting at 6:52 pm.

TOWN OF CEDAR LAKE PLAN COMMISSION

John Kiepora, President

Jerry Wilkening, Vice-President

Heather Dessauer, Secretary

James Hunley, Member

Robert Carnahan, Member

Greg Parker, Member

Chuck Becker, Member

ATTEST:

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 July 3, 2024