



CEDAR LAKE PLAN COMMISSION PUBLIC MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
July 17, 2024 at 7:00 pm

Call To Order:

Mr. Kiepura called the Plan Commission Public Meeting to order on Wednesday, July 17, 2024, at 7:08 pm with its members attending on-site. The Pledge of Allegiance was said by all.

Roll Call:

Members Present via Zoom: Jerry Wilkening, Vice President **Members Present On-Site:** Chuck Becker; Greg Parker; Robert Carnahan; James Hunley; Heather Dessauer, Secretary; 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 Cheryl Hajduk, Recording Secretary.

Absent: None.

Minutes:

Mr. Wilkening entertained a motion for the April 17, 2024, a motion was made by Mr. Parker and seconded by Ms. Dessauer to approve the same. Motion unanimously passed 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

Old Business:

- 1. 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 first order of old business is for a Petition requesting a Preliminary Plat for Lakeside South Unit 1 for a total of 34 lots and 4 outlots.

Mr. Jack Slager, on behalf of Schilling Development, representing Cedar Lake 133, LLC, commented we are requesting a 30-day deferral so we can continue to work out the details with legal and staff.

A motion was made by Mr. Carnahan and seconded by Mr. Parker to defer this Petition for 30-days to the next work session next month. Motion unanimously passed 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. 2024-11 Newenhouse – Final Plat

Owner: Melissa Newenhouse, 14829 Reeder Road, Crown Point, IN 46307
Petitioner: Michael Newenhouse, 14829 Reeder Road, Crown Point, IN 46307
Vicinity: 14829 Reeder Road, Crown Point, IN 46307

Mr. Kiepura stated the next order of business is for a Petition requesting a Final Plat for a One Lot Subdivision.

Mr. Erik Johannes, 14825 Reeder Road, commented he is here on behalf of Michael Newenhouse. Mr. Michael Newenhouse was on zoom and did not have any comments.

Mr. Oliphant commented we issued a letter on July 16, 2024 and is ready to go, but contingent on standard engineering waivers for a lot like this. It would need park dedication, tree placement, storm water detention, frontage improvements and sidewalk.

Mr. Carnahan asked the waivers should be waived. Mr. Oliphant commented any approval should note the July 16, 2024 letter.

A motion was made by Mr. Parker and seconded by Ms. Dessauer to approve the Final Plat for a One Lot Subdivision, including Christopher B. Burke’s letter dated July 16, 2024. Motion unanimously passed 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

3. Request for Address Change to 9021 W. 142nd Avenue, Cedar Lake, IN 46303 by Paul Misch

Owner: Paul Misch
Petitioner: Paul Misch

Mr. Kiepura stated Petitioner is requesting an address change to be assigned as 9021 W. 142nd Avenue, Cedar Lake, IN 46303 and voted in by the Board.

Mr. Paul Misch, 14201 Silver Street, Cedar Lake, IN.

Mr. Kiepura commented he saw a letter from the Post Office saying they have no problem to use 9021 W. 142nd Avenue for the address and that what was requested.

A motion was made by Ms. Dessauer and seconded by Mr. Carnahan to approve the address change to 9021 W. 142nd Avenue. Motion unanimously passed 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

4. Oakbrook Phase 2 Final Plat

Owner: Cedar Lake Residential LLC, PO Box 677, St. John, IN 46373
Petitioner: Schilling Development, 8900 Wicker Ave., St. John, IN 46373
Vicinity: 129th Ave. and Oak Brook Way, Cedar Lake, IN 46303

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

Mr. Jack Slager, on behalf of Schilling Development, representing Cedar Lake Residential LLC, commented we are requesting Final Plat approval for Phase 2 and this is the remainder of Oak Brook of the entire north end. We paid the development fee and the MS4 fee and we are in the process of doing as-builts.

Mr. Oliphant commented there is an easement being platted for the offsite water main improvements. This subdivision will run a stub out to Route 41, which is one of their parcels that is owned by one of their subsidiaries. Once that goes in, it needs to get platted, but it is outside of the subdivision. Our letter dated July 12, 2024 sums up all of the fees required for the subdivision. The 3% inspection fee is \$65,835.82. The Letter of Credit with partial reductions due to infrastructure have already been installed at \$1,051,430.60 and the MS4 fee is \$2,000. Phase 1 is still in Performance and they have punch lists. Mr. Slager commented we are still in Performance and we would like to put final asphalt down before winter.

A motion was made by Mr. Parker and seconded by Mr. Becker to approve Oakbrook Phase 2 Final Plat and to include the letter from Christopher B. Burke dated July 12, 2024. 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

5. Extension for Preliminary Plat Beacon Pointe 6, 7, and 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 for Preliminary Plat for Beacon Pointe 6, 7, and 8 from 9/21/24 to 9/21/25.

Mr. Jack Slager, on behalf of Schilling Development, representing Beacon Pointe. We are requesting a 12-month extension on the Primary Plat of units 6, 7, and 8. This is the western piece of Beacon Pointe. Units 6 and 7 have been platted, so it only involves Unit 8.

Mr. Wilkening asked can someone explain the road and King Drive and the void in where that has to be dealt with. Mr. Oliphant stated it is on Summerwinds. Mr. Slager commented we would like to see King Place completed.

A motion was made by Mr. Becker and seconded by Mr. Parker to grant the extension of the Primary Plat for Beacon Pointe Units 6, 7, and 8 from 9/21/24 to 9/21/25. Motion passed by roll-call vote: six – Ayes, to one - Nay

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

6. MacArthur Elementary Letter of Credit due to expire on August 19, 2024

Mr. Kiepura stated the next order of business is for MacArthur Elementary Letter of Credit due to expire on August 19, 2024.

Mr. Mike Malaski, Director of Building and Grounds, Crown Point, 1186 W. 132nd Lane, Crown Point, IN, commented we are requesting an extension of our Letter of Credit for MacArthur Elementary School. We are close to being completed with the work, but we need some inspections done and then we can rectify anything that needs to be taken care of what the Town needs us to do.

Mr. Oliphant asked did they know as-builts are required. Mr. Malaski responded in the affirmative and the as-builts will be in soon. The interior, landscaping, sidewalk is completed and the only thing we do not have with final inspections, is coping on the roof, which is minimal. It may be six months before we would need to make any repairs that the Town would like us to make for the Performance or Maintenance portion. The retention pond cannot get started until April.

Mr. Malaski commented we are looking for an extension and if anyone needs to do inspections, we will be there to move this along.

Mr. Oliphant commented the Letter of Credit is more for public improvements, for example, water main extensions, sidewalks, roadway improvements, stormwater. Once we get as-builts, it triggers us going out there, creating punch lists and have Public Works to do theirs as well.

Mr. Carnahan asked is the Letter of Credit \$312,389.00. Mr. Oliphant commented the only way it gets reduced is if we complete inspections, but it expires on August 19, 2024, and we don't think we can get

anything done to reduce it. The recommendation would be to renew it at full and as we get through inspections, it can be corrected in the calendar year.

Ms. Dessauer commented we received a letter stating a Letter of Credit was no longer needed.

Mr. Wilkening asked who is providing the assurance for the as-built. Mr. Malaski commented our architect and Skillman.

A motion was made by Mr. Parker and seconded by Mr. Hunley to extend the Letter of Credit for six months to February 19, 2025. 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

New Business:

- 1. Extension of Beacon Pointe East, Unit 4 Performance Letter of Credit in the amount of \$395,608.00 due to expire on July 25, 2025.**

Mr. Kiepura stated the next order of business is and extension of Beacon Pointe East, Unit 4 Performance Letter of Credit in the amount of \$395,608.00 due to expire on July 25, 2025.

Mr. Parker commented this was approved by the Town Council on July 16, 2024.

A motion was made by Mr. Carnahan and seconded by Mr. Becker to extend the Letter of Credit in the amount of \$395,608.00, due to expire on July 25, 2025. 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. Extension of Beacon Pointe East, Unit 1 Performance Letter of Credit in the amount of \$341,736.80 due to expire on October 30, 2024**

Mr. Kiepura stated the next order of business is for an extension of Beacon Pointe East, Unit 1 Performance Letter of Credit in the amount of \$341,736.80, due to expire on October 30, 2024.

Mr. Parker commented there were concerns about the pond and the situation with it. Mr. Oliphant made some recommendations.

Mr. Oliphant commented there weren't any recommendations, but we have been going back and forth with options to get this moving. We will want to meet with the residents of those five lots.

Ms. Dessauer asked what were the recommendations from the Town Council meeting. Mr. Parker commented we want a resolution this year and we pull on it and do it. Discussion ensued regarding who would be meeting.

Mr. Kubiak the expiration date is July 30, 2024 and not October 30, 2024. The extension would be for 60-days.

Mr. Slager commented we build the pond correctly and completely by the approved plans. There isn't a reason for the Town to pull on the Performance Bond to complete or do any work that we didn't do. Discussion ensued regarding completing the work.

Mr. Wilkening asked is the issue area considered a failed design. Mr. Oliphant commented there are some issues with the depth of the pond and there is weed growth. The side slopes were to have natural growth and not mowing the area. Discussion ensued in length regarding the plan and design of the pond.

Mr. Slager discussed the maintenance schedule for the pond for the future.

Mr. Hunley asked what is the timeline for getting this done. Mr. Oliphant commented 60-days.

Mr. Wilkening commented once this is done, do we need a Maintenance Bond to continue. Mr. Oliphant commented this is part of Phase 1 of maintenance and once we get to this process, it will rotate into Maintenance for three years.

Mr. Wilkening asked how deep does the pond have to be before it is aerated. Mr. Oliphant commented, it is not a depth requirement, and the Ordinance states open detention basin.

A motion was made by Mr. Parker and seconded by Mr. Becker to mirror the decision of the Town Council at the meeting on July 16, 2024 and the deadline will be September 30, 2024. Motion passed by roll-call vote 5 – ayes to 1 – nay.

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

3. Extension of Rose Garden Estates, Unit 3 Performance Letter of Credit in the amount of \$1,913,079.85 due to expire on August 22, 2025

Mr. Kiepura stated the next order of business is for an extension of Rose Garden Estates, Unit 3 Performance Letter of Credit in the amount of \$1,913,079.85 due to expire on August 22, 2025.

Mr. Carnahan asked how many punch items are there. Mr. Oliphant commented there are a lot.

Mr. Austgen commented this has been going on for a couple of years. Mr. Parker commented staff, Town Council and Plan Commission are tired of dealing with this. A six-month extension can be granted or for a year and that would be the last extension.

Mr. Wilkening asked is it legal to increase the assurance with an extension. Mr. Austgen stated he knows of no law or regulation or policy that permits that. Mr. Parker commented if we pull on this, there will be a lot of work to do.

Discussion ensued regarding how long to extend the Letter of Credit.

A motion was made by Ms. Dessauer and seconded by Mr. Hunley to extend the deadline for Rose Garden Estates, Unit 3 in the amount of \$1,913,079.85 for the Performance Letter of Credit for six months to February 22, 2025. 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

Mr. Nathan Vis, Vis Law, commented we are waiting on the slotted drains and piping that leads to it. It should be in the last week of July. Everyone else is ready to go.

Mr. Kiepura asked how much longer should the project take. Mr. Vis commented less than two weeks after the piping comes in and as long as the weather holds up.

Mr. Kiepura commented he would like a completion date and if the project isn't done, the vehicles that are parked on the gravel need to be moved. Mr. Vis commented we are trying to get this done in good faith.

Mr. Kiepura commented the client needs to be at the August 21, 2024 meeting with a final update.

2. Birchwood Phase 4 – Performance Letter of Credit expires September 5, 2024

Mr. Oliphant commented they are paving at the end of the week.

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

Mr. Oliphant commented this is already in Maintenance and the period ends in 2026.

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

Mr. Oliphant commented they are due to pave that next week.

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

Mr. Oliphant commented this went with Phase 13 and expires in October and are addressing punch lists.

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

Mr. Oliphant commented and is in Maintenance until 2026.

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

Mr. Oliphant commented they are extending for six months to a year.

8. Update for Lighting Ordinance into Town Code

Mr. Austgen stated he is working on it and it is nearly complete. The Resolution and Ordinances will accomplish what the objective is.

Tabled:

2023-18 Bay Bridge

2023-19 Founders Creek

2023-20 Red Cedars

Public Comment:

Mr. Bob Grosek, 14055 Deodor Street, commented he is one of the homeowners at Beacon Pointe, Unit 1, and our concern is that the company that does the landscaping and that they will not be cutting the hill because it is unsafe.

Adjournment: Mr. Wilkening adjourned the meeting at 8:13 pm.

TOWN OF CEDAR LAKE PLAN COMMISSION

John Kiepura, 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 17, 2024.