

TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA
MINUTES OF THE TOWN COUNCIL



November 18, 2014

Public Meeting Advertised for 7:00 PM
Conducted at the Cedar Lake Town Hall
Pledge of Allegiance & Moment of Silence

Roll Call:

Present	Robert H. Carnahan Council Member	Ward 1	Present	Patsy Casassa Vice President	Ward 6
Present	John Foreman Council Member	Ward 2	Present	Randell Niemeyer President	Ward 5
Present	Gregory L. Wornhoff Council Member	Ward 3	Present	Amy J. Gross, IAMC, MMC Clerk-Treasurer	
Present	Ralph Miller Council Member	Ward 4	Present	David Austgen Town Attorney	
Present	Greg Parker Council Member	Ward 7			

PUBLIC COMMENT

Public comment ensued relating to the annexation topic on the agenda. President Niemeyer stressed the allowance of a 2-minute frame for people to speak, and there will be a public hearing in the near future as required by law. Tonight is an introduction into the annexation. Note: spelling of names is to best of interpretation from audio; some distortion in pronunciation occurred.

John Sorenson, 173rd Lowell – commented on the annexation matter that occurred in Dyer and St. John, and the Council should consider the cost for something the people did not want. Rural Lowell will not benefit from this annexation.

Michelle Dumbsky, 17506 Cline Ave, Lowell – stressed she is part of the Lowell community and does not want the annexation. Do not come their way; they will fight tooth and nail. They do not want the Illiana Expressway either. She does not want to be part of a town that has no feelings or respect for the opinions of the people. She will not be within the annexation area, but close to it.

Lee Ethan, 16470 Parrish Ave – commented on the situation with the Army Corps and the lake dredging claiming it got shot down, and there was a violation of the open meeting act. Keep this annexation in the open. He has 10 acres with horses and does not want to be a part of Cedar Lake or Lowell.

Carl Osteller, 13210 West 173rd Avenue – requested an explanation of Ordinance No. 1212. President Niemeyer said this will be explained tonight, and documents will be made available to the public.

Mark Stenger, 13925 Wicker Avenue – he is against the annexation, does not want the utilities and the bill. Cedar Lake's manpower appears short, but need to prove to the taxpayers it can be handled. This town's a wreck.

Terry Collins, 10803 West 141st Avenue – Doesn't want to be told what she has to have; she doesn't want the garbage. She doesn't see what they will gain. Leave them alone.

Rhonda Lukasik-Rosenbaum, 17373 State Line Road – asked if Council had been in touch with Lowell or Lake County. If so, who did they speak with and what were their thoughts? President Niemeyer stated that County has not been approached; there have been conversations for years between Cedar Lake and Lowell on annexation. Councilman Greg Wornhoff had conversation with Lowell Councilmen Dave Gard and Phil Kuiper about 12 years ago. Conversation he initiated was that the communities would work together to annex; Cedar Lake on the north and Lowell on the south. Lowell then decided to be greedy and move the expressway south of town to get the interchanges for themselves (laughter from audience). Wornhoff stated that this has been in the works for 40 years (Illiana Expressway), and should have been placed north of here (Cedar Lake), 30 years ago. The expressway is coming and there is nothing that can be done about it. Cedar Lake is taking a proactive step, and if that is going to be held against the town (Cedar Lake), then so be it. He has lived in this town his entire life and his job as an elected official is to do what is in the best interests of the voters and taxpayers in this community; they elected him. *Multiple comment/discussion from audience. Someone commenting loudly; gavel used to bring order by President.* Mrs. Rosenbaum asked what happened during the described conversation that made Cedar Lake take this step. Councilman John Foreman explained that there was a comprehensive plan in 2012 that the previous town manager prepared with a group. It's been out in public a long, long time. During the presentation they will understand the logic. It is not secret as it's been published and made public record. Mrs. Rosenbaum believes there needs to be more planning among the entities; Cedar Lake, Lowell and Lake County. No one knows about what will happen with the livestock and such. President Niemeyer said those questions will be answered.

Pat Mussman, West Creek Township Unincorporated – questioned why the West Creek Township Trustee wasn't notified and why wasn't information provided to that office. President Niemeyer stated that this process is being handled strictly by Statutory Code, so the town is doing everything by law. Mrs. Mussman stated that they will contact the newly elected State Senator to change the Statute.

Ray Darty 14309 Wicker Avenue – was at the town 3 or 4 years ago, and there was an issue with the land description of his property concerning the newly annexed middle school. He and his wife spent 3 weeks with Ice Miller lawyers and was told by former town manager Ian Nicolini to get out of his office and don't ever come back again. It took this long to prove to Ice Miller that something went through his property. He does not trust Cedar Lake. Cedar Lake can't control its

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budget so why does he have to bail out the town? Town can't fix 133rd and do a proper job. He claims that Councilman Wornhoff told his wife that they did not need to come tonight because there is nothing they can do. Wornhoff stressed that this is not a public hearing. It is an introduction and it is being done according to State Statute. People are misinformed where the boundary lines are located, and half the people at the podium are not in the annexation area. He received numerous calls today from people complaining to him. Mr. Darty brought up the middle school issue again and feels the town is trying to pull a fast one on him.

There was no further public comment.

CONSENT AGENDA

Minutes: October 21, 2014 Public Meeting

Donations: VIPS \$1,000.00 from Cedar Lake Summerfest Committee, and \$50.00 from Jennifer Jakubielski.

Claims: November 6 and 8, 2014.

All Town Funds:	\$313,348.62	Wastewater:	\$142,546.45
Waterworks:	\$41,966.00	Storm Water:	\$8,409.82
Payroll #112,113,114:	\$335,531.24		

Motion to accept and waive the reading of the Minutes, and to accept the Consent Agenda as listed.

Motion: Ralph Miller Second: Patsy Casassa Roll Call Vote: 7 to 0

Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	YES	YES	YES	YES	YES	YES

ORDINANCES & RESOLUTIONS

1. Ordinance No. 1211 – 2015 Salary Ordinance

Clerk-Treasurer Gross read by title and stressed the highlights of the document as per previous discussion with the Council Affairs Committee during the budget process.

Highlights of Ordinance Body:

- Adjustments to holidays for calendar year 2015.
- There will be 26 pays in budget year 2015.
- Stipulate waiver of compensation for elected officials.
- Bonus pay for eligible full-time and part-time employees after favorable approval of 2015 budget. Excludes Elected Officials, Police and Fire Chiefs, and Full-Time Police Officers.

Highlights of Exhibit A:

- Inclusion of salary amendments during this year for Building Commissioner, Administrative Assistant (two job descriptions), Building Coordinator, and Police Commander appointments.
- Addition of a Public Safety Commission Member compensation payable 50/50 fire and police.
- Full-Time Police Officer increase in longevity 3x that of civilians.
- Full-Time Police Officer increase of \$2,500 with stipulation that it is paid after favorable approval of 2015 budget; not retroactive.
- Clerk–Treasurer highest credential increase \$5,000 beginning first of year.
- Fire Chief increase of \$5,000 with stipulation that it is paid after favorable approval of 2015 budget; not retroactive.
- Fire Volunteer training pay added to 2015 budget. Maximum of \$120, \$10 for 12 sessions.

Motion to approve first reading of Ordinance No. 1211.

Motion: Greg Wornhoff Second: Greg Parker Roll Call Vote: 7 to 0

Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	YES	YES	YES	YES	YES	YES

Vote was unanimous. President Niemeyer entertained motion to suspend the rules to amend the agenda for second reading.

Motion to suspend rules and allow for second reading of Ordinance No. 1211.

Motion: Greg Parker Second: John Foreman Roll Call Vote: 7 to 0

Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	YES	YES	YES	YES	YES	YES

Clerk-Treasurer Gross read by title only.

Motion to approve second reading of Ordinance No. 1211.

Motion: Ralph Miller Second: Greg Wornhoff Roll Call Vote: 7 to 0

Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	YES	YES	YES	YES	YES	YES

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2. Ordinance No. 1212 - Annexation

Attorney David Austgen read the ordinance in its entirety, which follows as:

AN ORDINANCE ANNEXING CERTAIN CONTIGUOUS LAND TO THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, AND ALL MATTERS RELATED THERETO.

WHEREAS, the Town Council of the Town of Cedar Lake, Lake County, Indiana, (hereinafter, "Town Council"), has identified certain property contiguous to the southern boundary of the Town of Cedar Lake, Lake County, Indiana (hereinafter, the "Town"), along the U.S. 41 South/Wicker Avenue corridor area, as territory appropriate for annexation into the Town; and

WHEREAS, the Town Council has determined that there are certain tracts of land, namely, approximately 2,802.24 acres, more or less in area, located outside of, but Thirty-Seven Percent (37%) contiguous to the Municipal Corporate boundary of the Town of Cedar Lake, Lake County, Indiana (hereinafter, the "Annexation Territory"); and

WHEREAS, the Town Council has determined that the Annexation Territory is necessary and appropriate for the future development for the Town, and will provide for the continued and coherent planned growth and development of the Town which can be reasonably utilized by the Town for its development in the reasonably near future; and

WHEREAS, the Town Council has reviewed the Town's Comprehensive Plan, and has determined that the annexation of the Annexation Territory is consistent with the Comprehensive Plan; and

WHEREAS, the Town Council is aware that responsible planning and applicable state law require the adoption of a Fiscal Plan and policy for the provision of certain services to the Annexation Territory; and

WHEREAS, contemporaneously with the introduction of this Ordinance, and prior to the publication and issuance of notice of public hearing on the annexation, the Town Council, by Resolution, has adopted a written Fiscal Plan and policy for the provision of non-capital and capital services to the Annexation Territory in accordance with applicable Indiana law, namely I.C. § 36-4-3-3.1, as amended; and

WHEREAS, the written fiscal plan and policy adopted by the Town Council provides for the provision of services of a non-capital nature to the Annexation Territory within one (1) year after the effective date of this annexation in a manner equivalent in standard and scope to those non-capital services provided to areas within the corporate boundaries of the Town, regardless of similar topography, patterns of land use, and population density; and

WHEREAS, the written fiscal plan and policy adopted by the Town Council provides for the provision of services of a capital nature to the Annexation Territory within three (3) years after the effective date of this annexation in the same manner those services are provided to areas within the corporate boundaries of the Town regardless of similar topography, patterns of land use and population density; and

WHEREAS, the terms and conditions of this annexation, including the written Fiscal Plan and the Annexation Territory and the Town; and

WHEREAS, the Town Council has determined that the annexation of the Annexation Territory will not cause a detrimental impact on the ability of the Town to provide non-capital services, including police and fire protection and street and road maintenance, and capital services normally provided to residents within the Municipal Corporate Boundaries of the Town; and

WHEREAS, the Town Council, having been informed and advised that the Annexation Territory is appropriately contiguous to the current Municipal Corporate Boundaries of the Town, pursuant to I. C. § 36-4-3-1.5, as amended, and that all other applicable requirements contained in I.C. § 36-4-3-4, as amended, have been met, now finds that the annexation shall occur.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, AS FOLLOWS, NAMELY:

SECTION ONE: That the above referenced recitals are incorporated herein by reference as though fully set forth herein.

SECTION TWO: That the Annexation Territory described on the attached "Exhibit A", which is hereby incorporated by reference, and which is contiguous to the Town of Cedar Lake, be, and the same hereby is annexed and made part of the Town of Cedar Lake, Lake County, Indiana.

SECTION THREE: That the Annexation Territory described on the attached "Exhibit A" shall be and the same hereby is declared, upon annexation, to have the Zoning District classification of R-1 in accordance with applicable Town Ordinance. The foregoing shall be the zoning district classifications for the subject annexation territory, except for those parcels currently classified as agricultural for zoning purposes, said agricultural zoning classification shall remain the same. Further, no change in the zoning classification of any parcel or real estate in the annexation territory shall be made without the consent of the owner of said property or parcel. (See I.C. § 36-4-3-4.1).

SECTION FOUR: That the above-referenced parcels of annexed real estate will be located in the following legislative districts, based on proximity:

Third Town Council Ward: The land area that is located north of 141st Avenue that is east of U.S. Route 41 (Wicker Boulevard), and north of 143rd Avenue that is west of U.S. Route 41 (Wicker Boulevard).

Fifth Town Council Ward: The land area that is located south of 141st Avenue that is east of U.S. Route 41 (Wicker Boulevard), and south of 143rd Avenue that is west of U.S.

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Route 41 (Wicker Boulevard) on the north, and north of the Township 33 North and Township 34 North boundary line on the south.

Seventh Town Council Ward: The land area that is located north of 173rd Street, and that is south of the boundary lines for Township 33 North and Township 34 North.

SECTION FIVE: That the boundaries of the Town of Cedar Lake, Lake County, Indiana, shall be, and the same are, hereby declared to be extended so as to include all of the real estate hereinabove described as part of the Town of Cedar Lake, Lake County, Indiana.

SECTION SIX: That as permitted by I.C. § 36-4-3-4.1(b), all territory located in the Annexation Area that is zoned agricultural is exempt from all property tax liability under I.C. § 6-1.1 *et seq.* for municipal purposes.

SECTION SEVEN: That all existing Town Code Sections and Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

SECTION EIGHT: That if any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

SECTION NINE: That this Ordinance shall take effect and be in full force and effect from and after its passage and adoption by the Town Council of the Town of Cedar Lake, Lake County, Indiana, and publication in accordance with applicable law.

President Niemeyer explained that is not an adoptive reading, but the first reading of Ordinance No. 1212. **Motion to approve first reading by Greg Wornhoff with second by Patsy Casassa.** President Niemeyer introduced Attorney Austgen for the presentation, which follows the minutes of this meeting.

A PowerPoint presentation was visible to the public encompassing 7 slides or pages. Mr. Austgen explained that this is not a public hearing, but an introduction of the annexation initiative pursuant to IC 36-4-3. The annexation is known as the US Route 41 South Annexation Area. Legal description follows, which is part of Ordinance No. 1212. PowerPoint presentation follows the minutes of this meeting.

Exhibit A

The 2014 Annexation Area is generally located in unincorporated Lake County, Indiana but more specifically parts of Sections 28, 29, 32 and 33 in Township 34 North, Range 9 West of the Second Principal Meridian and Sections 4, 5, 8, 9, 16, and 17 in Township 33 North, Range 9 West of the Second Principal Meridian in Lake County, Indiana.

Beginning at the southwest corner of Southeast Quarter of the Northeast Quarter of Section 29 in Township 34 North, Range 9 West of the Second Principal Meridian in Lake County, Indiana as the **POINT OF BEGINNING**, being tangential to the current municipal corporate boundaries of the Town of Cedar Lake, Lake County, Indiana; thence south along the west lines of the following section areas in Township 34 North, Range 9 West:

- 1) Northeast Quarter of the Southeast Quarter of Section 29-34-9;
- 2) Southeast Quarter of the Southeast Quarter of Section 29-34-9;
- 3) Northeast Quarter of the Northeast Quarter of Section 32-34-9;
- 4) Southeast Quarter of the Northeast Quarter of Section 32-34-9;
- 5) Northeast Quarter of the Southeast Quarter of Section 32-34-9;

- 6) Southeast Quarter of the Southeast Quarter of Section 32-34-9;

thence south along the west lines of the following section areas in Township 33 North, Range 9 West:

- 1) Northeast Quarter of the Northeast Quarter of Section 5-33-9;

- 2) Southeast Quarter of the Northeast Quarter of Section 5-33-9 to the north line of the South Half of the Southeast Quarter of Section 5-33-9;

thence west 660 feet along said north line of the South Half of Section 5-33-9 to the west line of the East Half of the Northwest Quarter of the Southeast Quarter of Section 5-33-9 (also being the northwest corner of a 10 acre lot identified as parcel number 45-19-05-426-001.000-037); thence south along said west line of the East Half of the Northwest Quarter of the Southeast Quarter of Section 5-33-9 approximately 440 feet to the southwest corner of a 10 acre lot identified as parcel number 45-19-05-426-002.000-037; thence east 660 feet to the west line of the Southeast Quarter of the Southeast Quarter of Section 5-33-9; thence south along the west line of the Southeast Quarter of the Southeast Quarter of Section 5-33-9 and continuing south along the west lines of the following section areas in Township 33 North, Range 9 West:

- 1) Northeast Quarter of the Northeast Quarter of Section 8-33-9;

- 2) Southeast Quarter of the Northeast Quarter of Section 8-33-9;

- 3) Northeast Quarter of the Southeast Quarter of Section 8-33-9;

- 4) Southeast Quarter of the Southeast Quarter of Section 8-33-9;

- 5) Northeast Quarter of the Northeast Quarter of Section 17-33-9 to the north line of the South Half of the Northeast Quarter of Section 17-33-9;

thence west along the north line of the South Half of the Northeast Quarter of Section 17-33-9 to the west line of the Northeast Quarter of Section 17-33-9;

thence south along the west lines of the following section areas in Township 33 North,

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Range 9 West:

- 1) Southwest Quarter of the Northeast Quarter of Section 17-33-9;
- 2) Northwest Quarter of the Southeast Quarter of Section 17-33-9; and
- 3) Southwest Quarter of the Southeast Quarter of Section 17-33-9 to the south line of Section 17-33-9;

thence east along the south line of Section 17-33-9 to the southwest corner of Section 16 in Township 33, Range 9 West, thence continuing east along the south line of said Section 16 to the east line of the CSX Transportation, Inc/Norfolk Southern Railway Company railroad corridor right-of-way, located in the Southeast Quarter of said Section 16; thence north along said east line of the CSX Transportation, Inc/Norfolk Southern Railway Company railroad corridor right-of-way in the east halves of Section 16 and Section 9 in Township 33, Range 9 West to the north line of said Section 9, also being the south line of Section 4, Township 33 North, Range 9 West; thence east along the south line of said Section 4 to the southeast corner of the Southwest Quarter of the Southeast Quarter of said Section 4; thence north along the east line of the following section areas in Township 33 North, Range 9 West:

- 1) Southwest Quarter of the Southeast Quarter of Section 4-33-9;
- 2) Northwest Quarter of the Southeast Quarter of Section 4-33-9;
- 3) Southwest Quarter of the Northeast Quarter of Section 4-33-9;

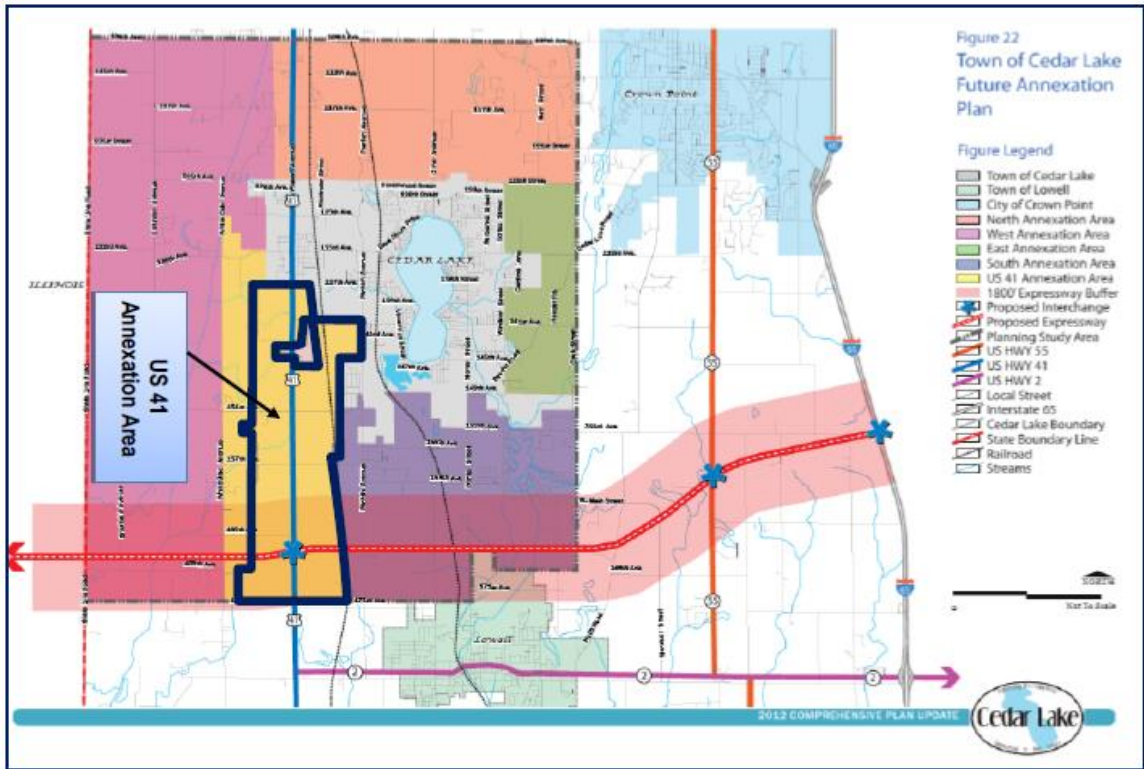
to the southwest corner of Lynnsway Unit 3 subdivision, as recorded in Plat Book 98, Page 29 in the Office of the Lake County, Indiana Recorder, being tangential to the current municipal corporate boundaries of the Town of Cedar Lake, Lake County, Indiana; thence north following the current municipal corporate boundaries of the Town henceforth and along the west line of said Lynnsway Unit 3 subdivision, Lynnsway Unit 2 subdivision as recorded in Plat Book 98, Page 28 in Office of the Lake County, Indiana Recorder and Lynnsway Unit 1 subdivision as recorded in Plat Book 98, Page 27 in the Office of the Lake County, Indiana Recorder to the northwest corner of said Lynnsway Unit 1 subdivision; thence east along the north line of said Lynnsway Unit 1 subdivision to the northeast corner of said Lynnsway Unit 1 subdivision, being the east line of Section 33 in Township 34 North, Range 9 West; thence north along the east line of said Section 33 to the northeast corner of said Section 33; thence west along the north line of said Section 33 to the east right-of-way line of the CSX Transportation, Inc/Norfolk Southern Railway Company railroad corridor at the intersection with the centerline of 141st Avenue; thence southerly along said east railroad right-of-way line to the south line of the north half of the Northeast Quarter of the Southwest Quarter of said Section 33; thence west along said south line of the north half of the Northeast Quarter of the Southwest Quarter to the most southeasterly corner of corner of Lot 1 in the Hanover Central Middle School Subdivision, as recorded in Plat Book 104, Page 83 in the Office of the Lake County Recorder, thence continuing clockwise along the boundaries of said Lot 1 along the following courses:

- 1) North 89 degrees 29 minutes 05 seconds west, a distance of 1,194.87 feet;
- 2) North 00 degrees 06 minutes 07 seconds west, a distance of 663.22 feet;
- 3) North 89 degrees 29 minutes 11 seconds west, a distance of 1,330.09 feet;
- 4) North 00 degrees 09 minutes 25 seconds west, a distance of 663.12 feet;
- 5) South 89 degrees 29 minutes 24 seconds east, a distance of 565.83 feet;
- 6) North 00 degrees 09 minutes 25 seconds west, a distance of 77.83 feet;
- 7) North 89 degrees 29 minutes 24 seconds west, a distance of 134.67 feet;
- 8) North 00 degrees 09 minutes 25 seconds west, a distance of 110.48 feet;
- 9) North 32 degrees 04 minutes 09 seconds west, a distance of 64.90 feet;
- 10) North 00 degrees 09 minutes 25 seconds west, a distance of 103.57 feet;
- 11) South 87 degrees 49 minutes 27 seconds east, a distance of 121.22 feet;
- 12) South 02 degrees 20 minutes 07 seconds west, a distance of 9.47 feet;
- 13) South 87 degrees 39 minutes 52 seconds east, a distance of 117.94 feet;
- 14) North 02 degrees 20 minutes 05 seconds east, a distance of 37.19 feet;
- 15) South 89 degrees 29 minutes 24 seconds east, a distance of 523.95 feet;
- 16) North 00 degrees 09 minutes 25 seconds west, a distance of 255.00 feet;
- 17) South 89 degrees 29 minutes 24 seconds east, a distance of 843.37 feet;
- 18) North 05 degrees 16 minutes 30 seconds west, a distance of 41.46 feet;
- 19) North 89 degrees 29 minutes 42 seconds west, a distance of 3.61 feet;
- 20) North 00 degrees 04 minutes 29 seconds west, a distance of 1,326.47 feet;
- 21) South 89 degrees 29 minutes 37 seconds east, a distance of 234.55 feet;

to the most northeast corner of said Lot 1, being a point of intersection on the west right-of-way line of the CSX Transportation, Inc/Norfolk Southern Railway Company railroad corridor and the centerline of 141st Avenue; thence north along the west right-of-way line of the CSX Transportation, Inc/Norfolk Southern Railway Company railroad corridor to the south line of the North Half of Section 28, Township 34 North, Range 9 West; thence west along said south line of the North Half of Section 28 and the south line of the

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Southeast Quarter of the Northeast Quarter of Section 29, Township 34 North, Range 9 West to the **POINT OF BEGINNING** tangential to the current municipal corporate boundaries of the Town of Cedar Lake, Lake County, Indiana, excepting therefrom the 4.859 Acres annexed by Town Ordinance No. 1205, adopted on August 19, 2014, consisting of approximately **2,797.38 acres**, more or less, or **4.37 square miles** of real property area.



Next step is for the Council to consider the fiscal plan. If this is approved, there is notice prepared to the 233 property owners of record within the annexation area. That notice must be given and notice in papers at least 60 days before the public hearings. A proposed time table was presented with public hearing estimated for February 3, 2015. President Niemeyer mentioned that one council member will not be present for that meeting, but would like to be here when it occurs. Attorney Austgen stated that the dates are preliminary and could be changed. The annexation itself is relatively simple. The Town has retained financial advisors through Cender & Company. They have spent the past 15 or 16 months researching compliance with state law, accuracy and verification. The fiscal plan needs to be considered by the Town Council. It is on the agenda tonight by resolution. The foundation for annexation parcel and matters before the public are part of the comprehensive plan, most recently 2012, starting with the Plan Commission and ultimately approved by Town Council. There was a study process engaged over a period of time and the former town manager had expertise in urban and municipal planning. The area is identified again in the fiscal plan. In the contiguity lineal verification the distance of boundary area to be annexed in relation to the existing needs to be considered. In the Indiana Code petitioner process, 25% is required for involuntary annexation. If it were voluntary, the contiguity requirement would be 1/8, or half of the 25%, as in the case of a recent annexation pursued by a business owner. The contiguity in this annexation is 37%, nearly 50% more than the statutory required amount. The fiscal plan includes costs; town resources for capital and non-capital and so on.

President Niemeyer stated that this town was founded a little over 40 years ago by people with vision. At that time, resistance was met. The Town Council is confident that growth is going to occur in this area despite reluctance. In order to facilitate that growth and manage it in a proper way, while keeping the character of the area, annexation into municipal boundaries is necessary for that growth to happen in the right way. This is why the initiative is moving forward and it has been a part of the planning process for a long time. He looks forward to working with the people, talking with them and having discourse. All this information will be available to whoever wants it for transparency.

A motion was on the floor prior to presentation. President Niemeyer called for roll call vote.

Motion: Greg Wornhoff		Second: Patsy Casassa			Roll Call Vote: 7 to 0	
<i>Carnahan</i>	<i>Foreman</i>	<i>Wornhoff</i>	<i>Miller</i>	<i>Parker</i>	<i>Casassa</i>	<i>Niemeyer</i>
YES	YES	YES	YES	YES	YES	YES

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3. Resolution No. 1128 – Fiscal Plan for Annexation

Attorney Austgen read in its entirety. President Niemeyer called for a motion.

A RESOLUTION ADOPTING A FISCAL PLAN FOR ANNEXATION OF CERTAIN TERRITORY TO THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, GENERALLY DESCRIBED BY THE TOWN AS “U.S. ROUTE 41 SOUTH ANNEXATION AREA”, AND ALL MATTERS RELATED THERETO.

WHEREAS, the Town Council of the Town of Cedar Lake, Lake County, Indiana (hereinafter the “Town Council”), is the duly elected legislative body of the Town of Cedar Lake, Lake County, Indiana, (hereinafter, the “Town”), a unit of local government; and

WHEREAS, the Town Council has been informed and advised that I.C. § 36-4-3-3.1 requires that a municipality develop and adopt a written fiscal plan and establish a definite policy for the provision of services, by Resolution of the legislative body, that meets the requirements set forth in I.C. § 36-4-3-13(d) for any area proposed to be annexed; and

WHEREAS, the Town Council seeks to annex certain parcels of real property contiguous to but outside the Town’s corporate boundaries, and that a copy of the legal description and a map of the proposed area are attached hereto as Exhibits “A” and “B”, respectively, which would be of benefit and use for the Town; and

WHEREAS, the Town Council has developed a fiscal plan and established a definite policy for the provision of services (the “Fiscal Plan”), which Fiscal Plan is attached hereto as Exhibit “C” for the U.S. Route 41 South Corridor; and

WHEREAS, the Fiscal Plan complies with the requirements of applicable Indiana law to provide services of noncapital nature (including police protection, fire protection, street and road maintenance, and other noncapital services normally provided within the corporate boundaries of the Town) to the U.S. Route 41 South Corridor within one (1) year after the effective date of this annexation in a manner equivalent in standard and scope to those noncapital services provided to areas within the current corporate boundaries, regardless of similar topography, patters of land use, and population density; and

WHEREAS, the Fiscal Plan complies with the requirements of applicable Indiana law to provide for the provision of services of a capital nature (including street construction, street lighting, and water facilities and storm water drainage facilities) to the U.S. Route 41 South Corridor within three (3) years after the effective date of this annexation in the same manner those services are provided to areas within the corporate boundaries, regardless of similar topography, patterns of land use, and population density in a manner consistent with federal, state and local laws, procedures, and planning criteria.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD TOWN COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA:

SECTION ONE: That the above and foregoing Recitals and representations are incorporated herein by reference and shall be deemed part of the Fiscal Plan.

SECTION TWO: That the written Fiscal Plan is attached to and incorporated herein as Exhibit “C”, and is adopted for the Cedar Lake U.S. Route 41 South Corridor Annexation Parcel.

SECTION THREE: That this Resolution shall take effect, and be in full force and effect, from and after the date of its passage and approved by the Town Council.

Motion: Greg Parker Second: Greg Wornhoff Roll Call Vote: 7 to 0

Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	YES	YES	YES	YES	YES	YES

Robert Carnahan added that this material would be available in the Town Hall. President Niemeyer solicited a motion that the public records request process be waived for this information so it is readily available to anyone requesting it.

Motion: Robert Carnahan Second: Greg Parker Roll Call Vote: 7 to 0

Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	YES	YES	YES	YES	YES	YES

Council addressed the public hearing date as a council member would not be available. The legal time frame could be two weeks later, but not sooner than February 3. The date selected was February 17, 2015 at 7:00 PM and at a venue yet to be chosen due to the public interest. A revised schedule will be drafted by Attorney Austgen with Council permission. Motion to direct Attorney and staff to prepare revised schedule.

Motion: Greg Parker Second: Greg Wornhoff Roll Call Vote: 7 to 0

Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	YES	YES	YES	YES	YES	YES

Public comment continued to allow the opportunity for those present for the annexation to speak. Pronunciations of names were not all clear for the record, and some did not mention address.

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John Sorenson – asked if there were to be one or two public hearings. Austgen answered two. Mr. Sorenson suggested it be held at high school.

Lee Eads – why is this property appropriate for annexation? Attorney Austgen noted per legal description, it follows property lines as close as possible, attempts to be as regular as it can be. Wornhoff very north end follows existing corporate boundaries as shown on map. How will public be notified? Austgen, notice in newspaper the 233 owners will get personal notice by certified mail. Carnahan – public hearing will take place February 17, 2015 at 7:00 PM. Remonstrator did not appreciate Mr. Wornhoff's attitude and if annexed will see he is no longer serving. Greg stated this was his last year.

Chad Webster, 173rd Street – Council mentioned there was a percentage of annexation versus preferred properties; could they explain? In the town there is 6,220 acres, or 9.72 square miles 37% contiguity of length of matching boundary against proposed annexation. Area to be annexed would be 2,797 acres or 4.37 square miles. It's under 50%. As long as minimum is met on both contiguity, the area doesn't matter per Statute.

Mrs. Rosenbaum – asked about the school corporations and opening borders for children to attend Hanover. Answer was that the town does not have jurisdiction over the school corporations. This is not part of the annexation and statute does not provide for it.

Jerry Boston, 10741 Parrish – moved out of Cedar Lake, and now it's being brought to his back door again. He doesn't want garbage service or any of that. Why wasn't this brought up before the election?

Deborah Eads – asked Mr. Austgen what can they do to fight this annexation? Wornhoff said Cedar Lake is being proactive. There is a statutory process to remonstrate, to be represented by counsel and so on. In body of repeated statute are their rights and processes.

Gentleman asked about documents. President Niemeyer said it would be available online also.

Beth Pappas, 15529 West 143rd Ave – what is the purpose of this if you are not bringing kids into the schools or mailing addresses? Niemeyer answered this has been in the planning for a long time. Again, what is the purpose? This has been viewed as an economic development corridor.

Michelle McGovern, 9547 West 171st Place – have you asked people of Cedar Lake if they want this? Are you prepared to take on more roads? John Foreman answered that they added more officers and have a full-time fire department and EMS crew. Road projects are being done, lake dredging project close to fruition, and new economic development money were listed. Let's say the expressway doesn't get built, we think this is an important thing. If it were to get built, national developers will go to the County that could affect us for planned growth. Town is also in process of hiring new administrator. This has been part of the plan for a long time. Mr. Wornhoff said that the expressway is coming.

Dwayne Ward, 12410 West 159th Place – asked about the involuntary annexation and what percentage of people would it take to shut this down? Austgen said the statutory percentage is 65%. The public hearing will be conducted in consideration of an adoption; the reading of the ordinance will take place, and the time period needs to lapse. If no adoption, we're done. If adopted, there is a time period for redress and collection of signature and the like in accordance with statutes. Both sides have to follow the statute. If 65% don't want the annexation, can it still occur? The answer was yes.

Ray Darty, 14309 Wicker Ave – asked about agricultural property. The annexation cannot change the zoning of an agricultural parcel until that owner wants it changed. This citation is part of the documentation. The Town is not rezoning his property. Again, there will be no change of zoning district classification. He was asking about the equipment on his property and President Niemeyer stated that would be legal non-conforming. Austgen explained that legal non-conforming is a use of property not consistent with the zoning regulations that govern it. An example, if a nuclear energy plant existed on his property, the Town could not change that. If implements are stacked on his parcel, the police department will not interfere with code compliance. Another question was asked about what damage business could cause. Mr. Foreman said that there is a Plan Commission that legislates what business can establish. If it's County, they are in charge and we have no control. President Niemeyer added that this town was developed in a way that wasn't planned. It was very mix-and-match for a long time so we have been working to correct some of those wrongs. Planning has some benefit. Another question was that St. John was coming south a few years ago. Austgen explained that at that time the percentage was different than it is now at 65%. Wornhoff, the General Assembly reviews this periodically. A petition was done so when farm land was annexed in, the taxation would not change as long as it stays agricultural. It's when the property is sold and developed that it would change. The property owner would have to change the zoning.

Mark Stenger – what is the benefit again? If the expressway doesn't come, do we lose tax dollars? The residents' taxes go up and they have to pay for utilities. Will Lowell come to annex up to Cedar Lake? The answer was that this is possible. Mr. Stenger never heard of this master plan (comprehensive plan). Bob Carnahan said that residents were here from Cedar Lake and they worked out a plan of what they wanted. It was updated in 2012. Mr. Carnahan added that he feels the businesses coming in to a newly annexed area would help the residents because they pay more taxes, and reduce the tax rate. Currently, it would not benefit Cedar Lake. Also, Austgen added that the businesses probably would not come that way unless they had municipal utilities to hook up to. The middle school sets out in a cornfield because it was annexed into town so they could have the services. Question arose about businesses without water. Mr. Carnahan said the businesses want water, and Niemeyer added they are closing a loop when there was an extension at 129th out to US 41. Mr. Stenger continued to argue that the water is well water, and asked if this annexation is forced upon us, do they have to take services (utilities). Austgen said at some point you would be connected. The question is when. He cannot answer what the policy

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call would be as there could be changes with the council. Mr. Stenger was told he would not be forced to take it. Niemeyer added, at the time it comes, whoever is on the council would make that call. Wornhoff added, until water is accessible to all properties in town, the town cannot force them to hook up. Mr. Carnahan was not told he had to hook up. There is a water line in front of his house and he has a deep well. In conclusion, there is no guarantee at this time whether or not the properties have to hook up to utilities, contingent upon state mandates also. It's a policy call by whoever is on the council at that time, unless compelled differently by the state. There are too many variables.

Melissa Meadows, inaudible address – asked about her children going to Tri-Creek schools and paying taxes to Cedar Lake. Cedar Lake would have no control over the taxes that are paid to the schools. There are different entities that have levies, and Tri-Creek schools would be separate.

Mrs. Rosenbaum – asked about the proposal and the location in relation to a previous comment that Lowell would annex south of 173rd. What happened to that agreement with Lowell? Carnahan added that the expressway would be north of the high tension wires. Wornhoff explained that agreement went out the window about 10 or 12 years ago when they (Lowell) attended one meeting and quit participating, and switching directions on us (Cedar Lake). He was working with people at a round table and there was a meeting in Beecher. President Niemeyer added that Cedar Lake has a partnership with Lowell for use of the Wastewater Treatment Plant. We view this as valuable to both communities and would welcome conversation. To this point, Lowell has struggled to annex, but Cedar Lake is not in that position. Perhaps Mrs. Rosenbaum could talk with Lowell Council, and Cedar Lake is willing to listen. There is a couple of the Lowell Council in the audience tonight. Mr. Wornhoff stressed that he has been open about this for years.

Michelle Dumbsky – stated that maybe there would not be as much of a fight if Cedar Lake stays north of this expressway. If you really wanted this road, you should have put it in your area. She continued to complain about the route to get to US 41 from Lowell on Route 2, and have to pay a toll. You keep saying you had these conversations. It would have been better for Council Members to meet and not just one. President Niemeyer said they attempted to facilitate a meeting and it has been met with discourse from Lowell Town Council. There have been several council members unwilling to work with us about the annexation and the plant (WWTP). You need to talk to your council in Lowell, and ask them why they have not been part of this discussion. Wornhoff added this has been in the works for 10 to 12 years so it is nothing new to them. Niemeyer added that the biggest proponent for working with us is in the room tonight and its Don Parker. He has tried very hard. She continued by adding there isn't going to be much growth. Niemeyer, some studies show a little and some show a lot. She's disappointed with the communities.

Another gentleman who spoke previously – not in favor of Lowell or Cedar Lake annexing his property. He has reviewed the master plan and knows it's been going on for a while. If Illinois doesn't build theirs (road) Indiana probably won't either. He doesn't believe the Illiana studies. It will be built only if Illinois can do it.

President Niemeyer called for a 5-minute break. Meeting then resumed.

4. Resolution No. 1127 – Temporary Loan to the General Fund

Clerk-Treasurer Gross read in its entirety. The Wastewater Operating Fund advances to the General Fund \$200,000 and it is to be repaid when the tax distribution is received. A tax advance was received of \$198,000, and with the current cash balance, this should be sufficient for the remaining fourth quarter until the fall settlement anticipated on or before December 31. Motion to approve Resolution No. 1127.

Motion: Robert Carnahan		Second: Greg Parker			Roll Call Vote: 7 to 0	
Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	YES	YES	YES	YES	YES	YES

NEW BUSINESS

1. Cender & Company Engagement Agreement

This is a supplement to the previous agreement not to exceed \$5,000 relating to the annexation material. Motion to approve agreement.

Motion: Robert Carnahan		Second: Greg Wornhoff			Roll Call Vote: 7 to 0	
Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	YES	YES	YES	YES	YES	YES

2. Change Order #1 INDOT Claim

Engineer Mark Kaiser from Christopher B. Burke Engineering addressed the Council. Weekly progress meetings have occurred with contractor LGS Plumbing and an official from INDOT. There were delays due to the utilities at the 133rd and Wicker project. Comcast went beyond a 2-week timeline. The contractor is allowed to request a delay claim. November 25, 2014 will be the new date for Phase I and II of the work. If weather permits, paving will be laid and preparation for winter weather. The contractor will be held to the June 27, 2015 date for completion. A contingency is that they will help maintain the roadway throughout the season so there is not a big drop off. The delay claim was negotiated various times and the agreement arrived at \$12,000. If Council approves, the document will go to LGS Plumbing for their signature first. There are funds available in Cumulative Capital Development to pay for the claim. Motion to approve claim. President Niemeyer thanked Councilman Ralph Miller for assisting with the negotiation to keep the

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cost down. Contractor Larry Smith was also thanked for working with the town on this matter.

Motion: Ralph Miller Second: Greg Parker Roll Call Vote: 7 to 0

Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	YES	YES	YES	YES	YES	YES

- 3. GenMove Recreation, LLC Recreational Agreement for 2015**
This is the proposal in contract form for all of 2015 service in the amount of \$125,500. Motion to approve contract.

Motion: Greg Wornhoff Second: Patsy Casassa Roll Call Vote 6 to 1

Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
NO	YES	YES	YES	YES	YES	YES

- 4. Sewer Tap & Development Fee Refund Request – Stephen Tokar III
Westdale Estates Lots 41 and 42**
Attorney Austgen recommended this item be deferred due to some pending litigation that exists. Motion to defer.

Motion: Greg Parker Second: Robert Carnahan Roll Call Vote 7 to 0

Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	YES	YES	YES	YES	YES	YES

- 5. Letter of Credit Approval for Monastery South Subdivision**
This matter is typically approved by the Plan Commission; however the letter is addressed to the Town Council for their signature. Plan meeting is tomorrow night. Letter has an expiration date in 2015. Motion to approve President to authorize contingent upon Plan Commission approval.

Motion: Robert Carnahan Second: Greg Parker Roll Call Vote 7 to 0

Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	YES	YES	YES	YES	YES	YES

- 6. Girl Scouts Rental Fee Waiver Request**
Daisy Scout Troop requesting Dec. 16 from 5:30 to 8:00pm. Girl Scout meetings Nov. 13, Dec. 10, Jan. 8 and 22, Feb. 12 and 26, Mar. 11 and 25, Apr. 9 and 23, May 14 and 28. Meetings held from 5:30 to 7:00pm. Motion to approve waiver.

Motion: Greg Parker Second: John Foreman Roll Call Vote 7 to 0

Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	YES	YES	YES	YES	YES	YES

TOWN COUNCIL & STAFF REPORTS

Councilman Greg Parker would like to make a motion to reconsider the action taken at the last meeting on the Red Cedars Museum lease. John Foreman made the second. Robert Carnahan moved to table it. Second to table made by Ralph Miller. Parker’s motion tabled to be taken up at next meeting.

Councilman Greg Parker suggested taking action on the Marshall property tonight. This is the lakefront property with multiple residential units. It is adjacent to the recent Wahlberg parcel acquired by the Town. The purpose is to follow the master plan for allowing access to the lake as a public park. Appraisal was for \$127,000 plus costs for title closing and the like. The Park Impact Fee Fund has a balance of \$229,154 to use for the purchase.

Motion: Greg Parker Second: Patsy Casassa Roll Call Vote: 7 to 0

Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	YES	YES	YES	YES	YES	YES

Documents are available to execute this evening, and transaction should complete in 2 weeks. Councilman Parker asked to speak on tabled motion. Out of fairness, discussion was left for next meeting once removed from table.

Clerk-Treasurer Gross – a tax advance was received with anticipation of receiving settlement last week of December.

Police Chief Smith – clarified a rumor that he was retiring next year. He is not retiring, and has no intentions.

Building Commissioner Tim Kubiak – the salt barn is complete. Clerk-Treasurer Gross mentioned the discussion of a new truck for Commissioner to perform inspections. The white car is needed for daily deposits and mail, and the electric car is having issues with recharging. The business is closed that sold the car to the town from a grant. Niemeyer asked Supt. Cornett to check on a

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source for repairs. A used pickup truck would be researched for inspections. There was an extended warranty, but the company went bankrupt. John Foreman moved to pursue a truck. Kubiak said the passenger van has not been used for a year, and could be traded. Second to the motion was Patsy Casassa, and included was to look into trading in the van.

Motion: Greg Parker		Second: Patsy Casassa			Roll Call Vote: 7 to 0	
Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	YES	YES	YES	YES	YES	YES

Councilman Foreman – asked about the police truck being set up for a plow. Wornhoff recommended against it. Plows take a lot of abuse on the frames. Keep as police vehicles and use 4-wheel drive in emergency.

WRITTEN COMMUNICATIONS

Telamon Corporation Letter

Indiana Bicentennial Commission Project Endorsement: Sustainable Indiana 2016

Community Green Energy, LLC

This information has been received and related to energy. Some discussion ensued, but there was no final direction. President Niemeyer mentioned the endorsement. Cedar Lake will be presented with an award for efforts in creating a sustainable green community.

In-Kind Service for Lauerman Ditch Project – Public Works

\$13,152.64 in manpower hours and wages with total of \$27,385.95 including equipment use and misc. expense.

Christopher B. Burke Engineering Report – provided to Town Council for review.

PUBLIC COMMENT

Bill Kuin, 13951 Huseman Street – thanked council for the signage regarding the Project Love Food Pantry. Food baskets have gone to over 100. Thanked police, council and all departments for hard work they do.

Next meeting December 2, 2014 at 7:00 PM, location to be announced.

ADJOURNMENT: Approximately 9:21 PM President Niemeyer called the meeting to adjournment.

An Executive Session was advertised and conducted before the Public Meeting at 6:00 PM pursuant to IC 5-14-1.5-6.1(b). Refer to Memorandum of Meeting for topics discussed and those in attendance.

COUNCIL OF THE CIVIL TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA

Randell Niemeyer, President, Ward 5

Patsy Casassa, Vice President, Ward 6

Robert H. Carnahan, Ward 1

John Foreman, Ward 2

Gregory L. Wornhoff, Ward 3

Ralph Miller, Ward 4

ATTEST:

Greg Parker, Ward 7

Amy J. Gross, IAMC, MMC, Clerk-Treasurer

The Minutes of the Cedar Lake Town Council 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 IC 5-1.5-2-2.5.