

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



April 7, 2015

Public Hearing Called to Order at 7:01 PM
Conducted at the Hanover Central High School Auditorium
Pledge of Allegiance & Moment of Silence

Roll Call:

Absent	Robert H. Carnahan Council Member	Ward 1	Present	Patsy Casassa Council Member	Ward 6
Present	John Foreman Council Member	Ward 2	Present	Randell Niemeyer Council Member	Ward 5
Present	Julie Rivera Council Member	Ward 3	Present	Amy J. Gross, IAMC, MMC, CPM Clerk-Treasurer	
Present	Ralph Miller Council Member	Ward 4	Present	Jill Murr, CPM, IAMC, MMC Town Administrator	
Present	Greg Parker Council Member	Ward 7	Present	David Austgen Town Attorney	

This hearing was transcribed by a court reporter, and the transcription shall be an exhibit to the minutes of this meeting for evidence of verbatim discussion.

President Randell Niemeyer addressed the public concerning the hearing for Ordinance No. 1212A being the annexation along the US 41 South Corridor. The purpose and initiative of this annexation is that this is the only annexation. Contrary to what has been heard, there are no phases. President Niemeyer addressed the concerns regarding agricultural and unique uses of land, zoning requirements, sale or transfer of properties, municipal utilities, the 2012 comprehensive plan, and the Illiana corridor. The purpose for this meeting is the Illiana development, which started before delays were apparent.

Chronological Events:

- 1) First reading of Ordinance No. 1212 on November 18, 2014.
- 2) Public hearing scheduled on February 17, 2015. Motion made by Greg Wornhoff with second by Patsy Casassa. There was unanimous approval by the Town Council.
- 3) Approval of Resolution No. 1128 adopting fiscal plan also took place on November 18, 2014. Motion made by Greg Parker with second by Greg Wornhoff. There was unanimous approval by the Town Council.
- 4) Notice of public hearing and accompanying map of annexation area published on December 16, 2014 in the Post-Tribune and NWI Times.
- 5) Notice of public hearing was sent by certified mail to 240 property owners in the annexation area, and 5 property owners abutting the annexation area on December 11 and 12, 2014.
- 6) There was a discovery of a scrivener's error in the legal description on January 6, 2015. The February 17, 2015 hearing was then cancelled. The error was reported to the Town Council on January 6, 2015.
- 7) The Town amended the first reading of annexation Ordinance No. 1212A reflecting the change in legal description on January 20, 2015. The public hearing was then scheduled for tonight April 7, 2015. The motion was made by Robert Carnahan with second by Patsy Casassa. There was unanimous approval by the Town Council.
- 8) There was then approval of Resolution No. 1128A adopting the amended fiscal plan on January 20, 2015. Motion by Carnahan and second by Casassa with unanimous approval by the Town Council.
- 9) Notice of public hearing with accompanying map of annexation area published on February 5, 2015 in the Post-Tribune and NWI Times.
- 10) Notice of public hearing sent by certified mail to 240 property owners in the annexation area, and 5 property owners abutting the annexation area on February 5, 2015.

All documents associated with the US 41 South Corridor annexation have been available on the Town's website and at the Town Hall for public inspection continually since then. Owners located within the annexation area have been able to request copies free of charge from the Town Hall.

Subsequent Steps:

Upon completion of the public hearing, the Town Council will have a transcript prepared for review with consultants and legal counsel. Following the statutory guidelines, the Town Council will reconvene between 31 and 60 days after this hearing to consider and/or adopt the ordinance as it was originally presented or as amended. If a final ordinance is adopted, it will be published according to statutory procedures. This hearing has procedures as well, and is being held according to applicable law.

The annexation area, US 41 South Corridor, has been clearly defined and any rumors of subsequent phases are not true. The Illiana Expressway and the opportunity to grow economically using best land practices to preserve character of the area, is the purpose.

Attorney Stephen Buschmann, of Thrasher, Buschmann & Voelkel, PC, Indianapolis, Indiana, was invited to address the Town Council. Mr. Buschmann represents the "No Cedar Lake Annex" group. Mr. Buschmann focused briefly on recent annexation cases with City of Sullivan, Town of Whitestown and Town of Fortville. In each case, the municipalities were annexing land that was

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

largely agricultural. The trial courts ruled in favor of the remonstrators. City of Sullivan appealed, but again the court ruled in favor of the remonstrators. The Towns of Whitestown and Fortville are in the process of appeal. The latter two municipalities spent about \$200,000 each in fees to push the annexations. The Town Councils did not think of what happens if they lose. Mr. Buschmann asked for consideration when hearing the people, particularly dealing with agricultural land. The laws are changing and the Indiana General Assembly just passed the annexation bill SB #330 out of committee by a vote of 11 to 1 today. Most annexations would stop with the petition process.

The transcription details the comments and concerns of forty-eight (48) attendees who addressed the Town Council during this hearing.

Signed-In Speakers:

- | | |
|--------------------------------|---|
| 1) Liz Canty and Stewart Clark | 13650 Wicker Avenue |
| 2) Maryann Nicks | 11501 West 151 st Avenue |
| 3) Bert Bell | 16007 Delmar Court |
| 4) Steve Dowling | 11550 West 157 th Avenue |
| 5) William Clawson | 15509 Wicker Avenue |
| 6) Dale Huseman | 15128 Hawthorne, Cedar Lake |
| 7) Deana Sutton | 11620 West 165 th Avenue, Lowell |
| 8) Jeff and Mary Blandford | 14924 Belmont Place, Cedar Lake |
| 9) James Metro | 14822 Wicker Avenue, Cedar Lake |
| 10) Sharon Adley | 9725 West 134 th Place |
| 11) Paul Bult | 12235 West 151 st , Cedar Lake |
| 12) Mary Kay Broe | 10630 West 151 st Avenue, Cedar Lake |
| 13) Lee Eades | 16470 Parrish Avenue, Lowell |
| 14) Eric Venstrom | 13850 Wicker Avenue |
| 15) Ray Daugherty | 14309 Wicker Avenue |
| 16) Laurie Daugherty | 14309 Wicker Avenue |
| 17) John Sorensen | 10304 West 173 rd |
| 18) Leonard Jarmuz | 16923 White Oak |
| 19) Don Benton | 11414 West 157 th , Lowell |
| 20) Rick Kass | 11411 West 157 th , Lowell |
| 21) Joan Cole | 10516 West 173 rd Avenue, Lowell |
| 22) Mark Stenger | 13925 Wicker Avenue |
| 23) Douglas Schreiber | 14325 Wicker Avenue |
| 24) Robert Broe | 10630 West 151 st Avenue |
| 25) Robert Warning | 12236 West 151 st Avenue |
| 26) Ed Valich | 15504 Parrish Avenue |
| 27) Mitchell Dudlack | 12801 Oak Street, Cedar Lake |
| 28) Jack Barnett | 15233 Hawthorne Court |
| 29) A.E. "Shad" Whisler | 10410, 10430 West 173 rd Avenue |
| 30) Terri Cummins | 10803 West 141 st Avenue, Cedar Lake |
| 31) Vlado Kozlina | 8026 West 126 th Street, Cedar Lake |
| 32) Bill Landske | 7325 West 143 rd Avenue |
| 33) Beth Mager | 8516 West 140 th Avenue |
| 34) Jeff Henke | 6678 West 158 th Place, Lowell |
| 35) James Taylor | 13111 West 159 th , Lowell |
| 36) Michael Pinkul | 15049 West 145 th Avenue |
| 37) James Seroczynski | 14605 Magoun Avenue |
| 38) Bill Horvat | 15911 Delmar Court |
| 39) Daniella Maki | 14216 West 135 th Avenue, Cedar Lake |
| 40) Patrick Mattes | 6762 West 158 th Place, Lowell |
| 41) Steve Dowling | 11550 West 157 th Avenue |
| 42) Thelma Sisney | 12804 Magoun, Cedar Lake |
| 43) Daniel Enright | 14815 Reeder Road, Cedar Lake |
| 44) Karen Weyer | 10409 West 151 st Avenue, Cedar Lake |
| 45) Dan Chesner | 17515 Cline Avenue |
| 46) Kenneth Denhartog | 126 th and White Oak |
| 47) Ray Daugherty | 14309 Wicker Avenue |
| 48) Marilyn Dema | 8613 West 131 st Avenue |

President Niemeyer concluded the evening by thanking everyone for attending and speaking.

Council Member John Foreman spoke briefly regarding dense development, planned development and sustainability including sustainable jobs, and the growth that is coming.

President Niemeyer called the hearing to adjournment at 8:43pm.

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

An Executive Session was advertised and conducted prior to the Public Hearing pursuant to IC 5-14-1.5-6.1(b). Executive Session was held from 6:00 to 6:30pm at the Hanover Central High School Auditorium.

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

Julie Rivera, Ward 3

Ralph Miller, Ward 4

ATTEST:

Greg Parker, Ward 7

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

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

TOWN OF CEDAR LAKE
ROUTE 41 SOUTH CORRIDOR ANNEXATION
PUBLIC HEARING SIGN-IN SHEET

You will be called in the order you sign in. When speaking please provide your name, address and whether you are located in the Annexation Area for the record of the hearing.

NAME	ADDRESS	DO YOU OWN PROPERTY IN THE ANNEXATION AREA?
Liz Canty Stewart Clark	13650 Wicker Ave	yes
Margaret Moly	11501 W. 151 st AVE	yes (Phase 2)
BERT BELL	16007 Delmar Ct.	No
Steve Dowling	11550 W. 157 th AVE	YES
WILLIAM CLAWSON	15509 WICKER AVE	YES
DALE R. HUSEMAN	15128 HAWTHORNE, CL	YES
Deana Sutton	11620W 165 th Ave Lowell	yes
Jeff & Mary Blandford	14904 Belmont PL Cedar Lake, IN	yes
James Metro	14822 Wicker Avenue Cedar Lake, IN 46303	YES
Sharon Adley	9705 W 134 th Pl Cedar Lake, IN	No
Pete BULT	12235 157 th CL IN	YES
Mary Kay Brue	10630 W 151 st Av C. L.	yes
Lee Fades	16470 Parrish AVE Lowell	YES NO
ERIC VENTURA	13250 WICKER AVE	YES

TOWN OF CEDAR LAKE
ROUTE 41 SOUTH CORRIDOR ANNEXATION
PUBLIC HEARING SIGN-IN SHEET

You will be called in the order you sign in. When speaking please provide your name, address and whether you are located in the Annexation Area for the record of the hearing.

NAME	ADDRESS	DO YOU OWN PROPERTY IN THE ANNEXATION AREA?
Ray Daugherty	14309 Wicker Ave	yes
Laurie Daugherty	141309 Wicker Ave	yes
John Sorensen	10304 W 173 rd	YES YES
Leonard JARMUZ	16923 White Oak	YES NO
Don Benton	11414 W 157 Lowell	yes
Rick Kass	11411 W 157 Lowell	YES
Joan Cole	10516 W. 173 rd Ave Lowell	YES
JOHN SORESEN	10304 W. 173 rd Lowell	yes.
Mark Stray	13925 Wicker Ave	Yes
DOUGLASSCHREIBER	14325 WICKER AVE	YES
Robert Brue	10630 W 151 st AVE	Yes
Phyllis Grothaus	11215 W 151 st AVE	YES
ROBERT WARWICK	12236 W 151 st AVE	YES

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

TOWN OF CEDAR LAKE
ROUTE 41 SOUTH CORRIDOR ANNEXATION
PUBLIC HEARING SIGN-IN SHEET

You will be called in the order you sign in. When speaking please provide your name, address and whether you are located in the Annexation Area for the record of the hearing.

NAME	ADDRESS	DO YOU OWN PROPERTY IN THE ANNEXATION AREA?
Ed Valich	15504 PARRISH	Yes
Ken Valich	15504 PARRISH	Yes
Don Valich	15504 PARRISH	Yes
Mitchell J. Dudlack	12801 Oak Street	No
Jack Barnett	15233 Hawthorne Ct	No
A.E. "Shed" Whisler	10430 W 14 th Ave	Yes
Terril Cummins	10803 W 14 th Ave CL	Yes

TOWN OF CEDAR LAKE
ROUTE 41 SOUTH CORRIDOR ANNEXATION
PUBLIC HEARING SIGN-IN SHEET

You will be called in the order you sign in. When speaking please provide your name, address and whether you are located in the Annexation Area for the record of the hearing.

NAME	ADDRESS	DO YOU OWN PROPERTY IN THE ANNEXATION AREA?
Dan Chance	17375 Chip Ave	Yes
Eos Dekker	13985 W. 130 th PL	No
John Fitch	14105 Wicker Ave	Yes
Phil Taylor	15820 CHESTNUT ST	Yes
Karen Weyer	10409 W. 151 st Cedar Lake, IN	Yes
Larry Guell	10409 W. 151 st St.	Yes
Chris Boyer	17151 Cypress St	Yes

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

TOWN OF CEDAR LAKE
ROUTE 41 SOUTH CORRIDOR ANNEXATION
PUBLIC HEARING SIGN-IN SHEET

You will be called in the order you sign in. When speaking please provide your name, address and whether you are located in the Annexation Area for the record of the hearing.

NAME	ADDRESS	DO YOU OWN PROPERTY IN THE ANNEXATION AREA?
Vlado Kozina	8026 W. 126 th St. CL.	NO

TOWN OF CEDAR LAKE
ROUTE 41 SOUTH CORRIDOR ANNEXATION
PUBLIC HEARING SIGN-IN SHEET

You will be called in the order you sign in. When speaking please provide your name, address and whether you are located in the Annexation Area for the record of the hearing.

NAME	ADDRESS	DO YOU OWN PROPERTY IN THE ANNEXATION AREA?
BILL LANDSKO	7325 W. 143 rd Ave	NO
Ben Mager	8516 W. 140 th Ave	NO
JEFF HENKE	8848 W 158 th St NAPERVILLE	YES
James Taylor	13111 W 159 th Lowell	NO
Michael Pinkol	15049 W 145 th Ave	NO
James SRODZYNski	14605 MAGOUN AV	YES
BILL HOBART	15911 DEL MAR CT	YES

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

TOWN OF CEDAR LAKE
ROUTE 41 SOUTH CORRIDOR ANNEXATION
PUBLIC HEARING SIGN-IN SHEET

You will be called in the order you sign in. When speaking please provide your name, address and whether you are located in the Annexation Area for the record of the hearing.

NAME	ADDRESS	DO YOU OWN PROPERTY IN THE ANNEXATION AREA?
1 Daniella Mati	14216 W 135 th Ave Cedar Lake	area 3
1 Patrick MATTES	6762 W 158 th PL	NO
1 STEVE BOWLING	11530 W 157 th AVE	YES
1 Helma Sweeney	12804 Wagonway CL	yes
1 DANIEL FAUGHT	14915 REEFER RD	NO
1 Karen Weyer	10409 W. 151 st Ave Cedar Lake	YES
1 Dan Chesler	17515 Dine Ave	YES
1 Ken DeHartog	162 nd White Oak	YES
1 RAY DAUBERTY	14309 WICKER AVE	YES

MARILYN DEMA 8613 W. 131 AVE
NO