

ST. JOHN TOWN COUNCIL REGULAR MEETING
August 28, 2003

Mr. Forbes called the St. John Regular Town Council Meeting to order at 7:30 P.M and led the Pledge of Allegiance.

Roll Call - Roll call was taken with the following members present: Michael Forbes, President; Jerome Rudy, Member; Kristie Aldridge, Member; William Winterhaler, Member; Gregory Volk, Member; Steve Kil, Town Manager; David Wickland, Town Attorney; and Sherry Sury, Clerk-Treasurer.

Mr. Forbes would like to amend the agenda to add item Q: Consideration of Ordinance #1311. This ordinance repeals Ordinance #945, establishing regulations for the use of the town dumpster. **Mr. Rudy motioned, seconded by Ms. Aldridge, that by unanimous consent, item Q, Ordinance #1311 an ordinance repealing Ordinance #945 having to do with the use of the town dumpster, is added to the agenda. Motion unanimously passed.**

Mr. Forbes advised the Council that under reports, he would present a request to send a recommendation to the County Council regarding the extension of sewer and water for the Olthof Development.

Approval of minutes of the July 10, 2003 Executive Session, July 15, 2003 Special Meeting, July 24, 2003 Town Council Regular Meeting and July 31, 2003 Executive Session – Mr. Forbes cited typographical and grammar changes in the July 24, 2003 minutes. **Mr. Rudy motioned, seconded by Ms. Aldridge, to approve the minutes of the July 15 Special Meeting and the July 24 Regular Meeting including the amendments on pages 2, 3 and 4 read into the record for July 24. Motion unanimously passed. Mr. Winterhaler motioned, seconded by Ms. Aldridge, to approve the Executive Session minutes of July 10 and July 31. Four ayes and one abstention by Mr. Rudy, he did not attend Executive Session meetings. Motion carried.**

Resolution #03-08-28A, a resolution adopting the Fiscal Plan related to the annexation of Lake Hills Golf Course – Mr. Rudy questioned the data presented in the Fiscal Plan; he would like to see that the available actual data is used and the report attachments are limited. Mr. Volk asked if the property tax data included exemptions, how the number of homes was derived, and how much of the land is wetland. Mr. Wickland stated the fiscal plan must be adopted before the ordinance can be heard. Mr. Jim Wieser, attorney for the Lake Hills developer, stated that the developer agrees to make the data changes and will provide a hardcopy tomorrow. **Mr. Rudy motioned, seconded by Mr. Winterhaler, to approve and adopt Resolution #03-08-28A, a Fiscal Plan for V3 Realty on behalf of Lake Hills Development subject to the conditions he cited, and that the modified Fiscal Plan as defined here should be delivered to the Town by the close of business one week from today or the resolution is for naught. Mr. Rudy amended the motion by adding that on page 16 a re-evaluation of the average tax revenue per unit in both tables be established and reported to the Town.**

Mr. Joe Hero, 11723 S. Oakridge Dr. - commented that the Fiscal Plan has too many flaws for the vote to pass the resolution; it has not been verified and signed by an individual with credentials to do so. He asked what does the copyright mean; had sanitary and drainage concerns; and stated that there are too many loopholes in the plan. Mr. Wieser stated verification by a consultant is not required by statute. **Roll call vote: Mr. Rudy: nay; Ms. Aldridge: aye, Mr. Winterhaler: aye; Mr. Volk: nay; Mr. Forbes: aye. Motion carried 3 to 2.**

Public Hearing

Annexation petition for Lake Hills Golf Course (V3 Realty) – Mr. Wickland stated the Proofs of Publication are in order. Mr. Wieser gave opening remarks and requested second reading be held at special meeting on the 16th.

Public Comment - Mr. Forbes opened the floor for public comment.

Mr. Joe Hero, 11723 S Oakridge - remonstrated against the project because the resolution that was passed is illegal; corrected Fiscal Plan would not be available for an open meeting.

Mr. Jeff Fryzel, 9915 Hunters Run – stated that the Fiscal Plan was poorly put together; he questioned the tax rates, and believed the plan should have an expert sign off on the numbers so contained in the plan.

Hearing no other comments from the public, Mr. Forbes closed the public hearing.

Town Council Comment -

Mr. Rudy asked if the Sanitary and Water Districts could accommodate the development with the existing systems in place. Mr. Mark Gianopulos from Metrostudy stated that the new interceptor line does not need to be installed; they have worked with the Sanitary and Waterworks Boards.

Mr. Volk asked if the proposal to donate land for use as a park included the banquet hall. Mr. Gianopulos stated that they have asked the Park Board if they wanted to handle the banquet hall.

No other comments from the Town Council.

First reading of Ordinance #1307, annexing certain property to the Town of St. John - Mr. Rudy asked if it would be appropriate to have the final version of the Fiscal Plan before the first reading of the ordinance. Discussion followed. **Mr. Rudy motioned, seconded by Ms. Aldridge, to table the consideration of the first reading of Ordinance #1307 to a special meeting to be conducted on September 16th following adoption of the completed Fiscal Plan. Motion unanimously passed.**

Old Business

Consider Ordinance #1297, procedure to dispose of Uncollectible Ambulance Bills – Ms. Aldridge motioned, seconded by Mr. Volk, to approve Ordinance #1297 to dispose of uncollected ambulance bills. Motion unanimously passed. Discussion took place as to whether motion is by unanimous consent or if there will be a second reading. **Ms. Aldridge rescinded her first motion and motioned to unanimously consider Ordinance #1297 to dispose of uncollected ambulance bills. Mr. Volk seconded the motion. Four ayes and one nay by Mr. Rudy. Motion carries.** Mr. Forbes stated second reading would be next month.

Consider Ordinance #1308, amendment to Ordinance #1298, the same being the Municipal Credit Card Ordinance – Mr. Winterhaler motioned, seconded by Ms. Aldridge, to unanimously consider Ordinance #1308 on first reading. Motion unanimously passed. Mr. Winterhaler motioned, seconded by Ms. Aldridge, to adopt Ordinance #1298. Motion unanimously passed.

Consider Ordinance #1309, an ordinance amending Ordinance #1302 the same being the “Littering” ordinance – Ms. Aldridge motioned, seconded by Mr. Volk, to unanimously consider Ordinance #1309 on first reading. Motion unanimously passed. Ms. Aldridge motioned, seconded by Mr. Winterhaler, to adopt Ordinance #1309. Motion unanimously passed.

Discussion of Bi-Town Animal Control Agreement – Mr. Rudy motioned, seconded by Mr. Winterhaler, to notify the Town of Dyer that under the authority of the agreement pertaining to Animal Control and signed between the two towns, the Town of St. John exercises its right to terminate under Article 6, hereby notifying Dyer that we intend to completely terminate the agreement effective the first business day in January, 2005. Motion unanimously passed.

Consider authorization for Town Council President to sign latest draft of Pre-Emption Agreement with INDOT – Mr. Rudy motioned, seconded by Ms. Aldridge, to authorize the Town Manager to send the marked up copy of the INDOT Pre-Emption Agreement to INDOT seeking the final typed copy for our consideration. Four ayes and one nay by Mr. Winterhaler. Motion carried.

Consider employing the firm of Edwards & Kelcey, Inc. – update of Comprehensive, Thoroughfare and Master Plan – Mr. Winterhaler motioned, seconded by Ms. Aldridge, to consider tabling the consideration for Edwards & Kelcey for the update of the Comprehensive Plan. Three ayes and two nays by Mr. Rudy and Mr. Forbes. Motion carried.

New Business

Consider Ordinance #1304, in conjunction with #SD-84 – Biennial Rate/Tracker – Mr. Rudy motioned, seconded by Ms. Aldridge, to unanimously consider on first reading Town of St. John Ordinance #1304 which amends the sewage treatment tracker for sewage charges. Motion unanimously passed. Mr. Rudy motioned, seconded by Ms. Aldridge, to adopt Town of St. John Ordinance #1304 being an ordinance establishing a change in the sewer tracker fees for wastewater treatment in Schererville, IN. Motion unanimously passed.

Consider drainage project on power line easement – next to Homestead Village Court – Mr. Rudy motioned, seconded by Mr. Winterhaler, to approve drainage project on power line easement not to exceed \$4,220.00. Motion unanimously passed.

Consider Ordinance #1305 – Weston Ridge “The Woods” (zone change R-3 to Residential PUD – favorable recommendation from Plan Commission) – Ms. Aldridge motioned, seconded by Mr. Winterhaler, to unanimously consider Ordinance #1305. Motion unanimously passed. Ms. Aldridge motioned, seconded by Mr. Winterhaler, to adopt Ordinance #1305. Motion unanimously passed.

Consider Ordinance #1310, amending Salary Ordinance #1276 concerning Public Works General Foreman and Full-Time E.M.T.’s (clarification and pay designation change from salary to hourly) – Ms. Aldridge motioned, seconded by Mr. Volk, to unanimously consider Ordinance #1310 amending salary Ordinance #1276. Motion unanimously passed. Ms. Aldridge motioned, seconded by Mr. Volk, to adopt Ordinance #1310. Motion unanimously passed.

Awarding of Roof Repair & Tuck-Pointing for Police Station – Ms. Aldridge motioned, seconded by Mr. Winterhaler, to approve the roof repair to M&M and the tuck pointing to Plahtaric Masonry not to exceed \$12,880.00. Ms. Aldridge amended motion to separate amounts M&M not to exceed \$5,880.00 and Plahtaric Masonry not to exceed \$7,000.00. Motion unanimously carried. Ms. Aldridge motioned, seconded by Mr. Winterhaler, to waive the permit fees for the roof repair and tuck pointing at the Police Station. Motion unanimously passed.

Consider “Special Use” request of Indiana Iron & Metal, Inc. (unfavorable recommendation from Board of Zoning Appeals – Mr. Winterhaler motioned, seconded by Ms. Aldridge, to deny the special use request by Indiana Iron & Metal, Inc. and to incorporate the unfavorable recommendation from the Board of Zoning Appeals. Motion unanimously passed.

Review Smart Governance Alliance Draft for “Wireless Internet Services” – Mr. Rudy motioned, seconded by Ms. Aldridge, that the Town of St. John notify the Smart Governance Alliance that it wishes to join them as one of the participants in the bidding process for wireless Internet and wireless networking services. Motion unanimously passed. Mr. Rudy motioned, seconded by Ms. Aldridge, to instruct and authorize the Town Manager to send to the Smart Governance Alliance all the required documentation in order for the Town of St. John to join the bidding process for wireless Internet and wireless networking services including tower locations and heights. Motion unanimously passed.

Consider Letter of Credit for Dunkin Donuts in the amount of \$12,500.00 (favorable recommendation by Plan Commission) – Mr. Winterhaler motioned, seconded by Ms. Aldridge, to approve acceptance of the Letter of Credit for Dunkin Donuts from Harris Bank, Irrevocable Letter of Credit #71382 in the amount of \$12,500.00. Motion unanimously passed.

Consider Letter of Credit for Maginot Meadows – Unit 2 in the amount of \$167,337.50 (favorable recommendation by Plan Commission) – Mr. Winterhaler motioned, seconded by Ms. Aldridge, to approve acceptance of the Letter of Credit for Maginot Acres – Unit 2 in the amount of \$167,337.50 based upon a favorable recommendation by the St. John Plan Commission. Motion unanimously passed.

Consider Letter of Credit for Weston Ridge – Unit 2 in the amount of \$699,987.90 (favorable recommendation by Plan Commission) – Mr. Rudy motioned, seconded by Mr. Winterhaler, to table the Weston Ridge – Unit 2 Letter of Credit pending the receipt of a signed document from the bank. Motion unanimously passed.

Consider Letter of Credit for Weston Ridge – Cottage Homes in the amount of \$564,613.50 (favorable recommendation by Plan Commission) – Mr. Winterhaler motioned, seconded by Ms. Aldridge, to table the Letter of Credit for Weston Ridge – Cottage Homes in the amount of \$564,613.50 pending proper signatures. Motion unanimously passed.

Consider authorization of pavement marking services in an amount not to exceed \$3,700.00 – Mr. Rudy motioned, seconded by Ms. Aldridge, to approve \$3,700.00 to perform road striping and road directional arrows in accordance with the August 22, 2003, letter from the Town Manager with the attached proposals. Motion unanimously passed.

Consider American United Life (AUL) as additional provider of “Deferred Compensation Plan” for municipal employees – Mr. Rudy motioned, seconded by Ms. Aldridge, to add American United Life as a second provider for the Deferred Compensation Plan for the municipal employees. Motion unanimously passed.

Consider request from Public Works Department to purchase two (2) vehicles – Ms. Aldridge motioned, seconded by Mr. Rudy, to approve the request of the Public Works Department to purchase two vehicles, to pay one-third of the total purchase price not to exceed \$52,007.00. Motion unanimously passed.

Consider authorization to Public Works Department to hire an employee (replacement for Retiree) – Mr. Rudy motioned, seconded by Mr. Winterhaler, to authorize the Town Manager to hire Mr. Mike Schilling as an entry level employee in the Public Works Department to replace Mr. Herman Monix, who retired, based upon the August 15th, 2003 memo from Mr. Kil. Motion unanimously passed.

Consider promotion of Public Works Department employees Robert Valois and Charles Alexander – Mr. Rudy motioned, seconded by Ms. Aldridge, to defer consideration of promotions until January for the two employees in the Public Works Department as stated in the letter sent by the Town Manager dated August 7th. Motion unanimously passed.

Consider Ordinance #1311 this ordinance repeals Ordinance #945 which is an ordinance that established the regulations for the use of the town dumpster – Mr. Rudy motioned, seconded by Ms. Aldridge, to unanimously consider Ordinance #1311 which would rescind Ordinance #945 regulating the use of the town dumpster and garbage facilities. Motion unanimously passed. Mr. Rudy motioned, seconded by Ms. Aldridge, to adopt Ordinance #1311 an ordinance that repeals Ordinance #945 which regulated town dumpster and garbage facilities. Motion unanimously passed. Mr. Rudy motioned, seconded by Mr. Winterhaler to authorize the Town Manager and Police Chief to write a procedure to how we will handle the use of the town dumpster including the provisions that it will be used only by town residents but never for commercial waste among other matters. Motion unanimously passed.

Reports and correspondence

Town Council

Mr. Volk motioned, seconded by Ms. Aldridge, that the Town Council deny the grant of sewer and water to the Olthof Development that was granted by the Sanitary and Waterworks Board; and that Mr. Wickland will send a letter to the County Council stating the Town Council’s opinion on this and that Mr. Wickland will represent the Town Council at the next County Council meeting. Motion unanimously passed.

Mr. Rudy would like a report at the next study session of the procedures and amounts charged to Public Works for labor and material rather than the Park Board.

Clerk-Treasurer

Approval to pay Environmental Control, Inc. for work done at the fire station on the exhaust system – Mr. Winterhaler motioned, seconded by Ms. Aldridge, to approve payment to Environmental Control, Inc. in the amount of \$14,975.00. Motion unanimously passed.

Staff

Mr. Wickland

1. He has done research and is prepared to file a suit for an injunction against, town resident, Mr. Carey. The lack of up-keep of his property being a public nuisance and conducting a business in a home. **Mr. Rudy motioned, seconded by Ms. Aldridge, to authorize the Town Attorney to file suit against Mr. Carey on the basis of the Town's Nuisance Ordinance for the problems evidenced in the Sun Meadows subdivision. Motion unanimously passed.**
2. He has sent 20 letters to recipients of the ambulance service who have failed to pay, the time has expired and he has received only three telephone calls. He can file the suits in small claims court to keep the costs down. **Mr. Winterhaler motioned, seconded by Mr. Rudy, to authorize the Town Attorney to file suit for the unpaid ambulance bills. Motion unanimously passed.**
3. Sale of FF&E items - recommended appraiser can do a negotiated sale, fee is 20-25% of gross sale. Mr. Wickland will arrange for the appraiser to make a presentation at the study session.
4. Annexations will have to be done separately. Ordinance for annexation will be prepared to include the individuals who have signed the Waiver of Right to Remonstrate Against Annexation. He will try to have ordinances ready at the next study session. The remaining properties (Rybarski, Tiburon) will be addressed later.

Mr. Kil

Resident Madeline Lee has not responded to correspondence sent to her directing the clean up of her property. He would like to send a final letter advising her that the Town Attorney will take legal action if she does not comply. **Mr. Winterhaler motioned, seconded by Mr. Rudy, to authorize Mr. Wickland to send a letter to Madeline Lee. Motion unanimously passed.**

Authorization from Town Council President for participation in Homeland Security State Program I (grant to Lake County Emergency Management Agency) - Lake County has received grant money for Homeland Security, St. John is allocated \$17,602.00 for the fire department to purchase eligible equipment. **Mr. Rudy motioned, seconded by Mr. Winterhaler, to authorize the Town Council President to sign the sub-grant award application with the Department of Homeland Security for the fiscal year 2003 based on the July 28, 2003, letter from the State Emergency Management Agency. Motion unanimously passed.**

Authorization for Public Works to re-grade Sun Meadows Retention Pond – not to exceed \$4,800.00 – Mr. Rudy motioned, seconded by Mr. Winterhaler, to table consideration for work to re-grade the Sun Meadows Retention Pond to the study session. Motion unanimously passed.

Payment of Bills - #8147 through #8354 in the amount of \$593,046.22 for the Corporation – Mr. Winterhaler motioned, seconded by Ms. Aldridge, to authorize payment of docket #8147 through #8354 in the total amount of \$593,046.22. Motion unanimously passed.

Business from the Floor –

William Dravesky, 9038 Howard – asked if there is a moped ordinance. Mr. Kil stated the Chief of Police is aware and working on an ordinance.

Stephen Hastings, 8740 Patterson – water leak has been repaired, would like the ditch repaired to how it was before the water leak. Mr. Kil will discuss with Mr. Pharazyn.

Bill McCall, 7426 Park Lane - Waterworks Board member – commented on Wireless and Smart Governance Alliance

Joe Hero, 11723 S. Oakridge – was at meeting where NIPSCO was cited as the cause of the broken water line on Patterson Street; NIPSCO should pay the repair bill for the ditch.

Bill McCall (board member of Sanitary/Waterworks) stated that the board has addressed this matter and mentioned proposed remedies for closure.

Stephen Hastings mentioned the lack of communication in getting the water leak fixed.

Adjournment – Mr. Rudy motioned, seconded by Ms. Aldridge, to adjourn. Motion unanimously passed. Meeting adjourned at 10:26 P. M.

Attest:

Sherry P. Sury, Clerk-Treasurer