

ST. JOHN TOWN COUNCIL REGULAR MEETING
October 23, 2003

Mr. Forbes called the St. John Town Council Regular meeting to order at 7:07 P.M.

Flag Ceremony – Boy Scout Troop #561 presented the colors and led the Pledge of Allegiance

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

Mr. Winterhaler motioned for a unanimous consent to amend the agenda for Item D to read Consider Ordinance #1317, annexation petition and zoning commitment of Rybarski property. Mr. Rudy seconded. Motion unanimously passed.

Approval of minutes of the September 16, 2003 Special Meeting and the September 25, 2003 Regular Meeting - Mr. Rudy motioned to approve the minutes of the Town Council September 16, 2003 Special Meeting and the September 25, 2003 Regular Meeting as presented to the Town Council, seconded by Mr. Winterhaler. Motion unanimously passed.

Old Business – None

New Business

Consider Ordinance #1313, an ordinance regulating the ethical behavior of Town Officials – Ms. Aldridge motioned, seconded by Mr. Rudy, to approve Ordinance #1313, an ordinance regulating the ethical behavior of Town Officials. Ms. Aldridge amended motion to include: to unanimously consider on first reading, seconded by Mr. Rudy. Roll call vote: Mr. Rudy, yes; Ms. Aldridge, yes; Mr. Winterhaler, no; Mr. Volk, yes; Mr. Forbes, no. Motion fails - 3 yeas and 2 nays; does not carry unanimously. Second reading will be at next official meeting.

Consider Ordinance #1315, an ordinance regulating Political Signs (favorable recommendation from Plan Commission) - Mr. Rudy noted that the Plan Commission held a public hearing on October 1st and no one rose to comment on the ordinance. (Zoning Ordinance Change – one reading is necessary for adoption) **Mr. Rudy motioned to adopt Ordinance #1315 an ordinance regulating the placement of political signs in the Town of St. John. Ms. Aldridge seconded. Roll call vote: Mr. Rudy, yes; Ms. Aldridge, yes; Mr. Winterhaler, yes; Mr. Volk, no; Mr. Forbes, yes. Motion carried 4 ayes, 1 nay.**

Mr. Rudy motioned to adopt Ordinance #1315, being an ordinance regulating the placement of political signs in the Town of St. John with the amendment that Article 2J include the number 24 for 24 hours of notice to bring the sign into compliance. Ms. Aldridge seconded. Roll call vote: Mr. Rudy, yes; Ms. Aldridge, yes; Mr. Winterhaler, yes; Mr. Volk, no; Mr. Forbes, yes. Motion carried 4 ayes, 1 nay.

Consider Ordinance #1316, rezoning of Renaissance Subdivision to R-2 Single Family (favorable recommendation from Plan Commission) – Discussion about the need for R-1 housing, the steps the Plan Commission took and the Zoning Ordinance passed earlier in the year.

Mr. Rudy motioned to set the limits of debate, under Robert's Rules of Order, to a maximum of 15 minutes on the clock with no more than two minutes per person who speaks. Motion failed due to a lack of a second.

Ms. Aldridge motioned, under Robert's Rules of Order, to allow two minutes per person to speak on this issue, no maximum time. Mr. Winterhaler seconded. Motion carried – 3 ayes and 2 nays by Mr. Rudy and Mr. Forbes.

Public Hearing

Susan Breymeyer, 9531 Dover Lane – presented a petition containing 151 names to stop the trend of R-2 development. Ms. Breymeyer is concerned about the overcrowding of schools, traffic congestion, and that the lot sizes may indicate multiplexes.

Joe Hero, 11723 S. Oakridge Drive – stated that he supports R-1 zoning and asks that the Council listen to the residents, and consider the impact on the property values. He asked the Council to deny the zoning request.

Craig Lebryk, 9125 Columbia – stated that the community is based on large R-1 lots and remonstrated against the Ordinance. He asked the Council to vote against this Ordinance.

Bill McCabe, represents the developer and has testified as an expert witness – presented comparisons with the Edgewood development and the square footage of like developments in town.

Jerry Furman, 12006 Hedwig Drive – directed his comment to Mr. McCabe that the voices of 150 petitioners need to be considered.

Joe Hero asked if any Council member received a campaign contribution from the developer to abstain from voting.

Public Hearing closed

Mr. Rudy motioned to adopt Ordinance #1316, being an ordinance amending Ordinance #841, the rezoning of the Renaissance Subdivision with the amendment that references Ordinance #845 in the body of the said ordinance be changed to Ordinance #841. That the developer fully executes and notarize the zoning commitment that we incorporate by reference to the various exhibits referenced in the Ordinance and Zoning Commitment and include within the findings of fact adopted by the Plan Commission. Seconded by Mr. Winterhaler. Roll call vote: Mr. Rudy, yes; Ms. Aldridge, no; Mr. Winterhaler, yes; Mr. Volk, no; Mr. Forbes, yes. Motion carried - three ayes and two nays.

Consider Ordinance #1317, annexation petition and zoning commitment of Rybarski property – Mr. Rudy motioned that the Town Council approve on first reading Ordinance #1317, an Ordinance annexing the property adjacent to the Town of St. John, otherwise known as the Rybarski property, with the indication that a public hearing will be held on November 20th. Ms. Aldridge seconded. Roll call vote: Mr. Rudy, yes; Ms. Aldridge, yes; Mr. Winterhaler, yes; Mr. Volk, yes; Mr. Forbes, yes. Motion unanimously passed.

Consider the Reduction of Letter of Credit for Weston Ridge – Unit One to the amount of \$80,730.10 (favorable recommendation from Plan Commission) – Mr. Rudy motioned to approve the irrevocable Letter of Credit #CL7241LC dated October 10, 2003 for Weston

Ridge – Unit One in the total amount of \$80,730.10. Ms. Aldridge seconded. Motion unanimously passed.

Consider the Reduction of Letter of Credit for Weston Ridge – Unit Two to the amount of \$173,149.50 (favorable recommendation from Plan Commission) – Mr. Winterhaler motioned to approve the People’s Bank Letter of Credit #CL7242LC in the amount of \$173,149.50. Motion seconded by Mr. Rudy. Motion unanimously passed.

Consider Reduction of Letter of Credit for Heron Lake – Unit 4-A to the amount of \$38,255.00 (favorable recommendation from Plan Commission) – Mr. Rudy motioned to approve the irrevocable Letter of Credit #2003-IOC-491 dated 10-10-03 for Heron Lake – Unit 4-A in the amount \$38,255.00. Motion seconded by Ms. Aldridge. Motion unanimously passed.

Award of 2003 Community Development Block Grant (CDBG) Project – Mr. Rudy motioned, seconded by Mr. Winterhaler, to accept and approve the bid of COEX Incorporated for use of CDBG funds for handicap accessibility in the amount of \$4.25 per square foot in accordance with their bid. Motion unanimously passed.

Consider request from Lake Central School Corporation for the donation of a used squad car – Mr. Rudy motioned, seconded by Ms. Aldridge, to authorize the donation of one used St. John Police Department squad car to the Lake Central School Corporation for security services of such car, being one that was considered for trade in when the 2004 models arrive. Motion unanimously passed.

Consider disposal F.F. & E. items from Ice Arena and Fitness Center – Mr. Kil was unable to give Mr. Argus a complete list due to the Police Department taking some of the equipment for their use. Mr. Winterhaler motioned, seconded by Mr. Rudy, to table this item until the next available meeting. Motion unanimously passed. Mr. Rudy mentioned that 83 items were taken from Ice Arena rather than the agreed upon number of 32 items. Some items may be fixtures and if they are, we may be in serious trouble with the contractors. Mr. Kil will follow up with Chief Guzik and go over the list to ensure the removed items are not fixtures.

Consider annexation of Tiburon, Baacke & Lake Hills Properties and the property commonly known as LOAN\$UM Pawn on U.S. 41 – Mr. Rudy motioned to authorize the Town Attorney to immediately begin the appropriate annexation proceedings to annex the land commonly known as LOAN\$UM Pawn on U.S. 41 near the northern border of the Town. Ms. Aldridge seconded. Motion unanimously passed.

Mr. Rudy motioned to hold a special meeting on November 11, 2003. Motion seconded by Mr. Winterhaler. Motion unanimously passed.

Consider Agreement between Town of St. John and South Lake Community Services (Transportation Services not to exceed \$3,000.00 from CDBG funds) – Mr. Rudy motioned, seconded by Ms. Aldridge, to approve the agreement to use \$3,000.00 of CDBG funds for fuel for the South Lake County Community Services, and authorize the Town Council President to sign that agreement with one amendment in paragraph 2 at the bottom of the first page striking the words “maintaining, and”. Motion unanimously passed.

Consider Resolution #03-10-23, authorizing the Clerk-Treasurer to Create New Line – Solid Waste/Equipment Repair & Maintenance – Mr. Rudy motioned to approve

Resolution #03-10-23, a resolution authorizing the Clerk-Treasurer to create a new line item in the Solid Waste Budget. Ms. Aldridge seconded. Motion unanimously passed.

Consider the resignation of Sanitary and Waterworks District member – Mr. Winterhaler motioned, seconded by Ms. Aldridge, to accept the resignation of Mr. Ken Johnston from the Sanitary and Waterworks District. Motion unanimously passed.

Reports and correspondence

Town Council

Mr. Rudy stated that the Lake Hills developer, V3 Realty published a Legal Notice in today's newspaper that a Public Hearing will be held before the Lake County Plan Commission on Wednesday, November 5th at 7 p.m. The purpose is to rezone the land from agricultural to R-3, which is 1 – 4 family units under County jurisdiction. **Mr. Rudy motioned that the Town Council seek representation at the Lake County Plan Commission meeting on November 5th at 7 p.m. using either Baker & Daniel's or Mr. John Reed to represent the interests of the Town to object to the rezoning of V3. Seconded by Ms. Aldridge. Motion unanimously passed.**

The Sanitary and Waterworks District would like to have a joint study session on November 10th or November 11th. Mr. Rudy will advise them they can meet on November 11th at 7 p.m.

On November 26th there will be a public hearing to annex Christopher and Jacobsen as R-1.

Clerk-Treasurer - none

Staff - none

Ms. Aldridge motioned to approve the disciplinary manner discussed in the Executive Session. Seconded by Mr. Winterhaler. Motion carried; three ayes and two nays by Mr. Rudy and Mr. Forbes.

Mr. Rudy motioned to approve and authorize the Town Attorney to pursue the litigation matters discussed in the Executive Session this evening. Mr. Volk seconded. Motion unanimously passed.

Payment of Bills - #8543 through #8723 in the amount of \$797,776.80 for the Corporation – Mr. Rudy motioned, seconded by Mr. Winterhaler, to pay the vouchers #8543 through #8723 inclusive for a total amount of \$797,776.80. Motion unanimously passed.

Business from the Floor

Jim Peddycard, 7604 92nd Lane, Tiburon Subdivision – asked if they are sure Tiburon would be annexed.

Adjournment – Mr. Rudy motioned, seconded by Mr. Aldridge, to adjourn. Motion unanimously passed. Meeting adjourned at 8:15 P. M.

Attest:

Sherry P. Sury, Clerk-Treasurer