

St. John Town Council Regular Meeting
December 30, 2003

Mr. Forbes called the St. John Town Council Regular meeting to order at 7:03 p.m. and led the Pledge of Allegiance.

Roll call was taken with the following members present: Michael Forbes, President; Jerry 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.

Approval of the Minutes of the November 11, 2003 Special Meeting; the November 20, 2003 Regular Meeting; the November 26, 2003 Executive Session and the November 26, 2003 Special Meeting – Mr. Winterhaler motioned to approve the minutes of the November 11, 2003 Special Meeting; the November 20, 2003 Regular Meeting; the November 26, 2003 Executive Session and the November 26, 2003 Special Meeting. Motion seconded by Mr. Rudy. Motion unanimously passed.

New Business

Consider Resolution #03-12-30A, Transfer of Appropriations – Mr. Rudy motioned to approve Resolution #03-12-30A, a transfer of appropriations. Motion seconded by Ms. Aldridge. Motion unanimously passed.

Consider Ordinance #1325, Amendment to Subdivision Control Ordinance concerning Curb & Gutter Standards – Mr. Rudy motioned to approve by unanimous consent the first reading of Ordinance #1325, an amendment to the Subdivision Control Ordinance for Curb & Gutter Standards. Motion seconded by Ms. Aldridge. Motion unanimously passed.

Mr. Rudy motioned to adopt Ordinance #1325, an Ordinance modifying the Subdivision Control Ordinance as to Curb & Gutter Standards on second reading. Motion seconded by Mr. Winterhaler. Motion unanimously passed.

Consider Ordinance #1326, Re-zoning of Three Springs – Unit 2 (6 lots to R-3 and 79 lots to R-2) – Mr. Rudy motioned to adopt Ordinance #1326, an Ordinance re-zoning land commonly known as the Three Springs Development and incorporate our acceptance of the findings of fact produced by the Plan Commission in the Public Hearing of 12/03/03. Motion seconded by Mr. Winterhaler. Motion carried with three ayes and two nays by Ms. Aldridge and Mr. Volk.

Consider Ordinance #1327, approval of a “Capital Asset Policy” for the Town – Mr. Rudy motioned to unanimously consider on first reading the passage of Ordinance #1327, an Ordinance establishing a Capital Asset Policy for the Town of St. John. Motion seconded by Ms. Aldridge. Motion unanimously passed.

Mr. Rudy motioned to adopt on second reading Ordinance #1327, an Ordinance establishing a Capital Asset Policy for the Town of St. John. Motion seconded by Ms. Aldridge. Motion unanimously passed.

Consider Resolution #03-12-30B, encumbering various funds to be expended in 2004 – Mr. Rudy motioned to approve Resolution #03-12-30B, a resolution encumbering funds from 2003 to be utilized and expended in the year 2004. Motion seconded by Ms. Aldridge. Motion unanimously passed.

Consider disposition of Personnel Matter – Based upon the evidence presented to the Council by a number of parties and reviewed in the Executive Session, Mr. Rudy motioned that the Town Council and the Town Council President exercise it's authority to remove Mr. Gary Rassel from the Metropolitan Board of Police Commissioners for the Town of St. John effective immediately and provide notice thereof. Motion seconded by Ms. Aldridge. Roll call vote: Mr. Rudy, yes; Ms. Aldridge, yes; Mr. Winterhaler, no; Mr. Volk, no; Mr. Forbes, yes. Motion carried 3 to 2.

Discussion of ANR Pipeline vibration complaint from Patnoe Drive area residents – Mr. Jim Koeling, 10434 Nieting Court spoke. Concerns are yellow emissions and pressure discharges. He summarized company's EPA violations and the EPA's response. Mr. Forbes stated an RFP has been sent out to hire a company to measure the vibration. Discussion followed.

Consider position description of Public Improvements Inspector (of Public Works Department) – Mr. Rudy motioned to approve the position description for the Public Improvements Inspector as presented to the Council in their packets tonight. Motion seconded by Mr. Volk. Motion carried with four ayes and one nay by Ms. Aldridge.

Consider position description of Water Operator (of Public Works Department) – Mr. Rudy motioned to approve the position description for the Water Operator as presented to the Council in their packets tonight. Motion seconded by Mr. Volk. Motion carried with four ayes and one nay by Ms. Aldridge.

Discussion of access to the "Internet" by Town Government Computers – Mr. Rudy motioned that under the auspices of Ordinance #1164 that the Town Council hereby authorizes each computer terminal connected to the town government network and each person authorized to use such terminals have access to the Internet with the understanding that they must follow all the requirements of Ordinance #1164 as to government use. Motion seconded by Ms. Aldridge. Motion unanimously passed.

Waiving of building permit fees for generator change-out at Lift Station #1 (10450 Wicker Avenue) – Mr. Rudy motioned that the Town Council waive the \$45.00 electrical permit fee for the change out of the backup generator at Lift Station #1. Motion seconded by Ms. Aldridge. Motion unanimously passed.

Consider additional "deferred compensation carrier" for the Town employees – Mr. Rudy motioned for unanimous consent to amend the agenda to include this Ordinance #1329 which would implement a deferred compensation program. Motion seconded by Ms. Aldridge. Motion unanimously passed.

Mr. Rudy motioned to approve with unanimous consent the first reading of Ordinance #1329, an Ordinance establishing a deferred compensation program for the employees of the Town of St. John. Motion seconded by Ms. Aldridge. Motion unanimously passed.

Mr. Rudy motioned to approve and adopt Ordinance #1329, on second reading, an Ordinance establishing a deferred compensation program for the employees of the Town of St. John. Motion seconded by Mr. Winterhaler. Motion unanimously passed.

Reports & Correspondence

Town Council

Mr. Rudy mentioned the Olcott Avenue flooding problem (between 9812 and 9828 Olcott) and asked that the Town Engineer complete his report as soon as possible and corrective action taken.

Mr. Rudy referenced a letter he received today that the attorney from Barnes and Thornburg sent to the Lake County Council indicating that the Town hereby requests a particular person be the County Council's appointee to St. John's Economic Development Commission. It is his understanding that the Town Council was not going to make new appointments to take effect next year that they would be left for the Town Council that takes effect January 1st. He believes the letter should be withdrawn. **Mr. Rudy motioned that the Town Council communicate through their legal counsel, to the Lake County Council indicating the Town Council will supply a name for the EDC at the Town Council's earliest convenience in January. Motion seconded by Mr. Winterhaler. Motion carried with 4 ayes and one nay by Ms. Aldridge.**

Mr. Volk mentioned the Novo Selo subdivision on the Northeast side of town and the problems with flooding. Mr. Kil stated the developer has said corrective action will be taken, as money is available. The developer will not give a firm answer. Mr. Rudy stated the Plan Commission has taken action through Public Works.

Clerk-Treasurer

Ms. Sury stated that Ms. Schild went to Lake County to file the CF1 form; the County informed her that there is a signature missing on the last page of the resolution. The Town Council President at the time of resolution adoption (Ms. Aldridge) must sign even though she voted nay.

Ms. Sury asked for approval to pay two bills for services at the end of the year. **Mr. Rudy motioned to approve for payment and issue the check based upon the invoice presented from Mr. Wickland for legal services dated December 30, 2003. Motion seconded by Ms. Aldridge. Motion unanimously passed.**

Mr. Rudy motioned to approve for payment the invoice dated December 24, 2003 from Baker and Daniels in the amount of \$2,330.00 but that we withhold the processing of the check until we receive to our satisfaction a detailed invoice that identifies the hours for each task in each day. Motion seconded by Mr. Winterhaler. Motion unanimously passed.

Staff

Mr. Kil stated that it was a pleasure working with the Town Council and wished them the best.

Payment of Bills - #8872 through #9076 in the amount of \$998,877.23 for the Corporation – Mr. Rudy motioned to approve for payment vouchers #8872 through #9076 inclusive but that we withhold the processing of the check for voucher #9075 to Baker and Daniels until they produce to our satisfaction the detail of the hours worked by person, by day. Motion seconded by Ms. Aldridge. Motion unanimously passed.

Business from the Floor

Mrs. Mary Ellen Rassel, 9112 Tapper asked about the evidence regarding her husband's dismissal from the Police Commission. She questioned the information Mr. Rudy received and referenced his quote in today's newspaper. She also referenced the Ethics Ordinance and notification of the complaint and the hearing. They were not notified; nor have they seen the evidence. Mr. Rudy stated no one stated that the Ethics Ordinance was violated nor did the event occur when the Ethics Ordinance was in place. The word "ethics" that was mentioned was in the broad term. Ms. Aldridge stated that he signed a roster that clearly states "police officer".

Mr. Gary Rassel, 9112 Tapper stated that the car wash is for police and city vehicles. He was not aware it was limited to just those vehicles and he believed it was a courtesy extended to town officials.

Adjournment – Ms. Aldridge motioned to adjourn the meeting. Motion seconded by Mr. Rudy. Motion unanimously passed. Meeting adjourned at 8:25 p.m.

Attest:

Sherry P. Sury, Clerk-Treasurer