

ST. JOHN TOWN COUNCIL REGULAR MEETING
January 29, 2004

Mr. Fryzel called the St. John Town Council Regular meeting to order at 7:05 p.m. and led the Pledge of Allegiance.

Roll call was taken with the following members present: Michael Fryzel, President; Jerri Teibel, Vice President; Gregory Volk, Member; Charles Pearson, Member; Mark Barenie, Member; David Austgen, Attorney; Steve Kil, Town Manager; and Sherry Sury, Clerk-Treasurer.

Approval of the minutes of the December 16, 2003 Executive Session and the December 30, 2003 Town Council Regular Meeting – Mr. Pearson motioned to accept the minutes of December 16, 2003 Executive Session and the December 30, 2003 Regular Meeting. Motion seconded by Ms. Teibel. Motion unanimously passed.

Public Hearings

Consider Ordinance #1324, Loan\$um Pawn (8167 Wicker Avenue) Annexation – Mr. Austgen stated that the Proofs of Publication are in order. The meeting was opened for public comment. Hearing none, the floor was closed. **Ms. Teibel motioned to consider Ordinance #1324, an ordinance for the Loan\$um Pawn annexation. Motion seconded by Mr. Barenie. Motion unanimously passed.**

Consider Ordinance #1320, Lake Hills Property Annexation – Mr. Austgen stated that the Proofs of Publication are in order; he also stated that this is an involuntary annexation of 100% of the property. Mr. Kil stated he has spoken to Keith Blais and Jim Wieser, he believes that they always wanted to be part of the Town of St. John. Mr. Wieser, Attorney for the developer V3 Realty, stated that the developers wanted to be part of St. John and are willing to submit a petition for voluntary annexation, which will include R1 zoning. Mr. Volk asked if the annexation could be voluntary or whether they can proceed with involuntary. Discussion followed.

The meeting was opened for public comment.

Edward Marek, 10135 West 93rd Avenue - asked why the annexation was withdrawn last year. Mr. Kil stated that there was some confusion because the town was enacting a new zoning ordinance. Mr. Marek also asked how much traffic the roads can handle. Mr. Kil stated the Plan Commission looks at that during the planning process. Mr. Marek asked that the sharp curve by the golf course be taken into consideration.

Joseph Hero, 11723 South Oakridge Dr. - recommended that the Board act on the issue tonight. He asked Mr. Austgen to recuse himself as he represented a Mr. Kuiper who had property that needed a sewer line run through Lake Hills. Mr. Austgen does not see a conflict and will not recuse himself. He will report any conflict through the proper forum. Mr. Hero expressed concern that Mr. Wieser is the attorney for the Sanitary Board and he is representing the developer at the county level. He asked that Mr.

Wieser remove himself as attorney for the Sanitary Board. Mr. Hero then welcomed the new Town Council and asked that they remember their oaths. Mr. Hero asked that the annexation go through tonight; he stated that Mr. Wieser could have brought his voluntary petition tonight and how the developer went to the County when the Town would not give them the zoning they wanted.

Kristie Aldridge, 9567 Hickory - gave a brief history of the annexation and recommended that the board vote in favor of the annexation tonight.

Dan and Lee Marias, 9200 Park Drive - an adjacent property owner; supports the annexation of this property as R1. He referenced a signed petition by 236 St. John residents who are prepared to remonstrate to the Lake County Plan Commission on a request by V3 Realty from R1 to R3. He referenced school overcrowding and how people are drawn to this community because of the country-like atmosphere.

Keith Massey, 10090 West 93rd Street - an adjacent property owner; asked if the plan for townhouses and duplexes will be thrown out. Mr. Fryzel stated under the Town's ordinance, they must come in as R1. Any zoning changes must be done before the Plan Commission.

James Wieser, as attorney for the petitioner, remonstrated against the ordinance. He stated that over 50% of property is already zoned multi-family with the county. They will immediately request a change in zoning. He explained the history of their interaction with the previous Town Council in regards to the fiscal plan requirement and a change in the ordinance.

Edward Marek – asked what size the lots have to be in county.

Joseph Hero remonstrated against Mr. Wieser's remonstrance regarding the previous Town Council's concerns of the submitted fiscal plan, and what has been presented to the County regarding lot sizes and water and sewer accessibility.

James Wieser remonstrated against Mr. Hero's previous comments; there has never been a representation to the County, he has acknowledged to the County that they are in the St. John Sanitary and Water Planning District boundaries.

Joseph Hero stated for the record that he agrees with what Mr. Wieser said; however, when requesting the re-zoning there is the implication that they have the water and sewer because they are in the planning district, which is not the same as being in the district.

Kristie Aldridge stated for the record that she is not sure if everything Mr. Wieser said is true; however they did go on advice of their legal counsel at the time. At this time she would like to see them to go under St. John's zoning for townhouses and duplexes and not the County zoning.

Michael Forbes, 12466 W. 105th Place - stated that the involuntary annexation should be dropped. 100% of the homeowners are against it. He would like to see the property

developed under St. John and not the County. There would be no advantage to pursue this matter, which would result in unnecessary legal fees.

The floor was closed for public comment at 7:45 p.m.

Mr. Kil stated that there is no advantage to the annexation unless they had 51% of the property owners and 75% of the assessed value. He also said that the intent of the development was always to be in the Town of St. John. He recommends the involuntary annexation be dismissed.

Mr. Pearson motioned to defer any action and entrusted Mr. Wieser and Mr. Blais to come into St. John voluntarily. Motion seconded by Ms. Teibel. Motion carried with four ayes and one nay by Mr. Volk.

New Business

Acknowledgement and Approval of Uniform Conflict of Interest Disclosure Statement (Jerri Anne Teibel) – Ms. Teibel presented the Uniform Conflict of Interest Disclosure Statement per Indiana Code 35-44-1-3 in regards to St. John Market Place LLC in which she has a pecuniary interest and publicly disclosed her interest to the Town Council for approval. **Mr. Barenie motioned to approve the conflict of interest disclosure by Ms. Teibel of her pecuniary interest in the St. John Market Place, LLC. Motion seconded by Mr. Pearson. Motion carried with four ayes and one abstention by Ms. Teibel.**

Consider Ordinance #1332, an ordinance-amending Ordinance #1318 (Salary ordinance – rate of pay for Assistant Fire Chief, Firefighter and Billing Clerk) – Mr. Barenie motioned to unanimously consider on first reading Ordinance #1332, an ordinance amending Ordinance #1318. Motion seconded by Ms. Teibel. Motion unanimously passed.

Mr. Pearson motioned to adopt Ordinance #1332, an ordinance amending Ordinance #1318, salary ordinance amending the rate of pay for the Assistant Fire Chief, Firefighter and Billing Clerk. Motion seconded by Ms. Teibel. Motion unanimously passed.

Consider Resolution #04-01-29, a resolution authorizing the purchase of a BLS Ambulance from the Town of Merrillville – Mr. Barenie motioned to pass resolution #04-01-29, a resolution authorizing the purchase of a BLS ambulance from the Town of Merrillville. Motion seconded by Mr. Pearson. Motion unanimously passed.

Consider 2004 Contract with St. John Volunteer Fire Department – Mr. Pearson motioned to accept the contract with the St. John Volunteer Fire Department as stated in the contract. Motion seconded by Ms. Teibel. Motion unanimously passed.

Consider approval of Mutual Aid Agreement with Township Trustee's Office for fire protection services – Ms. Teibel motioned to approve the Mutual Aid

Agreement with the Township Trustee's Office for fire protection services. Motion seconded by Mr. Barenie. Motion unanimously passed.

Consider approval of 2004 St. John Volunteer Fire Department Roster – Mr. Barenie motioned to approve the roster as presented in their binders. Motion seconded by Ms. Teibel. Motion unanimously passed.

Consider 2004 Contract with Lake Hills Fire Department – Ms. Teibel motioned to consider the contract with the Lake Hills Fire Department for \$6,684.00 per year starting with the year 2004, and not collecting any funds that were due for the past two years that were not paid. Motion seconded by Mr. Pearson. Motion unanimously passed.

Consider 2004 donation to the Quad Town Safety Village (in amount of \$2,000.00) – Mr. Volk motioned to donate \$2,000.00 to the Quad Town Safety Village contingent on them providing a current financial statement to the Town of St. John. Motion seconded by Ms. Teibel. Motion unanimously passed.

Consider Contract Agreement with St. John Township Trustee's Office regarding Senior Citizens Bus for Year 2004 (in the amount of \$1,500.00) – Ms. Teibel motioned to accept the contract agreement with the St. John Township Trustee's Office regarding the Senior Citizens Bus for the year 2004. Motion seconded by Mr. Pearson. Motion unanimously passed.

Consider request by Police Department to auction used police vehicles – Ms. Teibel motioned to authorize the St. John Police Department to auction their used police vehicles via a sealed bid and the money will be placed into the Police Department Special Fund #275. Motion seconded by Mr. Pearson. Motion unanimously passed.

Review and approval of Site Lease Agreement for SpectraSite – Mr. Pearson motioned to approve the amendment to the Site Lease Agreement and authorize the Town Council President to execute said agreement. Motion seconded by Ms. Teibel. Motion unanimously passed.

Reports and Correspondence

Town Council

Mr. Pearson asked Mr. Kil to send a letter to Chief Guzik inquiring as to how much it would cost to increase the number of reserve Auxiliary Police Officers from eight to twelve.

Mr. Fryzel asked Mr. Kil to send a letter to the Fire Department inquiring as to how much it would cost to increase the number of volunteer firefighters from 42 to 50.

Clerk-Treasurer

Approve payment of \$10,000 for the Court filed appraisal in the case of Storage Inn – Mr. Pearson motioned to pay the sum of the \$10,000 payable to the Lake Superior Court of Lake County pertaining to the case of Storage Inn. Motion seconded by Mr. Barenie. Motion carried with four ayes and one abstention by Ms. Teibel.

Appointment to Planning & Development Advisory Committee to fill vacancy created by Mr. Egnatz is scheduled for the February Study Session.

Staff

Mr. Kil stated that the Town of Merrillville has not passed the resolution to sell the ambulance. He would like to take receipt of the ambulance and withhold the check until passage of their resolution.

Mr. Kil discussed the problem with the local postmaster regarding the placement of mailboxes in new subdivisions. He prepared a resolution asking Congressman Visclosky to intervene. **Mr. Barenie motioned to accept Resolution #04-01-29A, a resolution requesting a congressional inquiry into the conduct of the local Postmaster. Motion seconded by Ms. Teibel. Motion unanimously passed.**

Payment of Bills #7000 through #7164 in the amount of \$675,926.38 for the Corporation – Mr. Pearson motioned to approve payment of bills #7000 - #7164 in the amount of \$675,926.38. Motion seconded by Ms. Teibel. Motion unanimously passed.

Business from the floor

Kristie Aldridge, asked how close the ambulance service is in getting advanced life support. Mr. Fryzel stated that they are looking into that including the cost involved and the acquisition of another ambulance. They will have something done in the near future.

Adjournment – Ms. Teibel motioned to adjourn. Seconded by Mr. Pearson. Meeting adjourned at 8:20 p.m.

Attested:

Sherry P. Sury, Clerk-Treasurer