

ST. JOHN TOWN COUNCIL REGULAR MEETING
St. John Municipal Building Main Meeting Room
February 26, 2004

Mr. Fryzel called the meeting to order at 7:08 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.

Presentations: Special Recognition to Cobras Softball Team, Hurricanes 12U Softball Team and Hurricanes 14U Softball Team – Mr. Barenie recognized the 2002 Indiana Hurricanes 12 and under Girls Traveling Softball Team for achieving 1st Place at the Hoosier State Games and 3rd Place at the ASA State of Indiana State Champions.

Mr. Barenie then recognized the Cobras Softball Team for their achievement as the Indiana National Softball Association Champions for 2002.

Mr. Barenie also recognized the 2003 Indiana Hurricanes 14 and under Girls Traveling Softball Team for their achievement as Indiana NSA State Champions, 5th Place NSA National Championship and 2nd Place NSA Super World Series.

Approval of the minutes of the January 1, 2004 Special Meeting; the January 22, 2004 Special Meeting; the January 22, 2004 Executive Session; and the January 29, 2004 Regular Meeting – Ms. Teibel motioned to approve said minutes. **Seconded by Mr. Pearson. Motion unanimously passed.**

Public Hearings

Consider Ordinance #1323, Christopher and Jacobson Drive(s) Annexation – Mr. Austgen stated that the Proofs of Publication are in order. Mr. Kil summarized the anticipated initial expense to the Town of \$300,000 for the upgrades and improvements to bring up the area to Town standards.

Public Comment

Julie Gilbert, 8621 Christopher Drive – gave an overview of the demographics of the residents living in this area. She stated the residents are concerned about their part of the costs for the upgrades to the roads and sewer.

Michael Forbes, 12466 West 105th Place – stated that the previous Council's intent was not about land grabbing; they were looking at areas that had water and sewer services extended to them.

Public comment closed.

Mr. Pearson motioned to deny and dismiss Ordinance #1323. Seconded by Ms. Teibel. Motion unanimously passed.

Consider Ordinance #1317, Rybarski property Annexation – Mr. Austgen referred to the four-page remonstrance received from the developer's attorney. He reviewed the significant items and recommended that the annexation process start over. Also, he concurred with the

remonstrance that the public notice requirements as well as certain document items are improper and do not meet the standards and guidelines.

Ms. Teibel motioned to dismiss Ordinance #1317 in favor of voluntary annexation. Seconded by Mr. Pearson. Motion carried with four ayes and one nay by Mr. Volk.

Consider Ordinance #1335, Lake Hills / V3 Realty property Annexation – Mr. Austgen stated that the Ordinance is not ready to proceed tonight. The property's legal description must be amended due to parcels being added and deleted.

Ms. Teibel motioned to dismiss Ordinance #1335, Lake Hills / V3 Realty in favor of the amended petition filed today. (Public Hearing March 25th.) Seconded by Mr. Barenie. Motion unanimously passed.

Consider Ordinance #1336, Cornerstone Development property Annexation – Mr. Austgen stated that the Proofs of Publication are in order. Mr. James Wieser, the attorney of record for Cornerstone Development, gave an overview of the property.

Public Comment

Joseph Hero, 11723 South Oakridge Drive – stated that he has not seen the Ordinance. He compared the clauses in the V3 Ordinance and stated they should not be in this Ordinance.

Floor closed for public comment.

Mr. Pearson motioned to consider on first reading Ordinance #1336, the Cornerstone Development property annexation. Seconded by Ms. Teibel. Motion carried with four ayes and until he views the fiscal plan, one abstention by Mr. Volk.

New Business

Consider Ordinance #1333, amending Master Traffic Ordinance #511 (various additions) – Mr. Pearson motioned to consider on first reading Ordinance #1333, amending the Master Traffic Ordinance #511 (various additions). Seconded by Ms. Teibel. Motion unanimously passed.

Mr. Pearson motioned to adopt Ordinance #1333, amending the Master Traffic Ordinance #511 (various additions). Seconded by Ms. Teibel. Motion unanimously passed.

Consider Ordinance #1334, authorizing Issuance and Sale of Limited Obligation Bonds – Mr. Pearson motioned to consider Ordinance #1334, authorizing the Issuance and Sale of the Limited Obligation Bonds. Seconded by Mr. Barenie. Motion carried with three ayes, one nay by Mr. Volk, and one abstention by Ms. Teibel.

Consider contract submitted by Robinson Engineering for Town services – Ms. Teibel motioned to approve the contract submitted by Robinson Engineering as presented and to authorize the Town Council President to execute said contract. Seconded by Mr. Pearson. Motion unanimously passed.

Consider annual CF-1 Form for St. John Professional Center, Inc. – Ms. Teibel motioned to consider the annual CF-1 Form for St. John Professional Center, Inc. Seconded by Mr. Pearson. Motion unanimously passed.

Consider annual CF-1 Form for J. L. Shandy Transportation, Inc. – Mr. Barenie motioned to consider the annual CF-1 Form for J. L. Shandy Transportation, Inc. Seconded by Ms. Teibel. Motion unanimously passed.

Consider annual CF-1 Form for Dennis Meyers – Meyers Development – Ms. Teibel motioned to consider the annual C-1 Form for Dennis Meyers – Meyers Development. Seconded by Mr. Pearson. Motion unanimously passed.

Consider annual CF-1 Form for Perm Industries, Inc. – Mr. Pearson motioned to consider the annual C-1 Form for Perm Industries, Inc. Seconded by Ms. Teibel. Motion unanimously passed.

Consider one (1) appointment to St. John Police Commission – Mr. Pearson motioned to appoint Mr. Donald Farris to the St. John Police Commission. Seconded by Mr. Barenie. Motion carried with three ayes, one nay by Mr. Volk and one abstention by Mr. Fryzel.

Consider two (2) appointments to Planning & Advisory Development Commission – Mr. Barenie motioned to defer the consideration for the two appointments to the Planning and Advisory Development Commission until the applications are reviewed. Seconded by Ms. Teibel. Motion unanimously passed.

Consider Lake County Public Library property rezoning at 9450 Wicker Avenue (favorable recommendation from the Plan Commission) – Mr. Kil stated that an ordinance is not prepared and asked that this item be deferred until March 18th meeting. Ms. Teibel motioned to defer the Lake County Public Library property rezone to the March 18th meeting. Seconded by Mr. Pearson. Motion unanimously passed.

Consider Letter of Credit for Three Springs Subdivision – Phase I “maintenance” for \$111,161.60 (favorable recommendation from the Plan Commission) – Mr. Barenie motioned to consider the Letter of Credit for Three Springs Subdivision – Phase I “maintenance” for \$111,161.60. Seconded by Ms. Teibel. Motion unanimously passed.

Consider Letter of Credit for Three Springs Subdivision – Phase I “improvements” \$166,474.18 (favorable recommendation from Plan Commission) – Mr. Pearson motioned to consider the Letter of Credit for Three Springs Subdivision – Phase I “improvements” for the sum of \$166,474.18. Seconded by Ms. Teibel. Motion unanimously passed.

Consider Letter of Credit Reduction for Weston Ridge – Unit 2 to \$84,899.58 (favorable recommendation from Plan Commission) – Mr. Barenie motioned to consider the Letter of Credit Reduction for Weston Ridge – Unit 2 to \$84,899.58. Seconded by Mr. Pearson. Motion unanimously passed.

Consider Letter of Credit Reduction for Weston Ridge Cottage Homes to \$76,885.82 (favorable recommendation from Plan Commission) – Ms. Teibel motioned to consider the Letter of Credit Reduction for Weston Ridge Cottage Homes to \$76,885.82. Seconded by Mr. Pearson. Motion unanimously passed.

Consider Letter of Credit Reduction for Woods of Weston Ridge to \$95,217.10 (favorable recommendation from Plan Commission) – Mr. Barenie motioned to consider the Letter of Credit Reduction for the Woods of West Ridge to \$95,217.10. Seconded by Mr. Pearson. Motion unanimously passed.

Consider motion for Fire Department EMT Personnel to carry over vacation and personal time to the end of March 2004 – Ms. Teibel motioned for the Fire Department EMT Personnel to carry over their vacation and personal time to the end of March 2004. Seconded by Mr. Barenie. Motion unanimously passed.

Consider proposed 2004 Road Project – Mr. Pearson motioned to consider the proposed 2004 Road Project. Seconded by Mr. Barenie. Motion unanimously passed.

Consider “Notice to Bidders” for disposal of various Public Works Department Equipment – Ms. Teibel motioned to consider the “Notice to Bidders” for disposal of the various Public Works Department’s Equipment as listed. Seconded by Mr. Pearson. Motion unanimously passed.

Consider request to amend motion from January 29, 2004 meeting concerning the sale of old police vehicles – regarding depositing monies into Special Fund #275. (Make sure money deposited into General Fund stated in motion) – Ms. Teibel motioned to consider the request to amend the motion from the January 29, 2004, meeting concerning the sale of old police vehicles – regarding depositing the monies into the Special Fund #275, to transfer the monies from Special Fund #275 into the General Fund. Seconded by Mr. Barenie. Motion unanimously passed.

Consider proposals submitted to review ANR Pipeline vibration issues – Mr. Kil stated that he met with some of the residents residing in the problem area. They would like to wait until the weather gets better so they can get more accurate testing results. **Mr. Barenie motioned to award this project to K & S Engineers for an amount not to exceed \$8,300.00. Ms. Teibel seconded. Motion unanimously passed.**

Consider request for Tax Abatement from DeYoung (petitioner) through Attorney James Wieser – Mr. Kil received a letter this afternoon from Mr. Wieser stating that the request has been withdrawn, therefore no action is required.

Reports & Correspondence

Town Council – None.

Clerk-Treasurer

Consider approval of annual CF-1 Form for Rassel Associates – Ms. Teibel motioned to consider the approval of the annual CF-1 Form for Gary and Mary Ann Rassel for Rassel Associates. Seconded by Mr. Pearson. Motion unanimously passed.

Consider approval of annual CF-1 Form for Stanley and Mary Ellen Mize – Mr. Barenie motioned to consider the approval of the annual CF-1 Form for Stanley and Mary Ellen Mize. Seconded by Mr. Pearson. Motion unanimously passed.

Consider approval of annual CF-1 Form for MLC Investments – Mr. Pearson motioned to consider the approval of the annual CF-1 Form for MLC Investments. Seconded by Ms. Teibel. Motion unanimously passed.

Staff – None.

Payment of Bills - #7165 through #7341 in the amount of \$606,057.64 for the Corporation – Ms. Teibel motioned to approve the payment of bills invoices #7165 through #7341 in

the amount of \$606,057.64 for the Corporation. Seconded by Mr. Pearson. Motion unanimously passed.

Public Comment

Dan Marias, 9200 Park Drive – stated that he would like the meeting agendas, minutes, and ordinances to be posted on the Town web site.

Floor closed for public comment.

Mr. Fryzel read a statement regarding an article in the Post Tribune regarding the purchase of a new aerial fire truck.

Adjournment – Mr. Fryzel adjourned the meeting at 8:40 p.m.

Attest:

Sherry P. Sury, Clerk-Treasurer