

ST. JOHN TOWN COUNCIL REGULAR MEETING  
St. John Municipal Building Main Meeting Room  
March 25, 2004

Mr. Fryzel called the meeting to order at 7:00 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 minutes of the February 26, 2004 Town Council Regular Meeting – Mr. Pearson motioned to approve the minutes of the February 26, 2004 Town Council Meeting. Seconded by Ms. Teibel. Motion unanimously passed.**

### **Public Hearings**

**Consider Ordinance #1338, Lake Hills / V3 Realty property annexation** – Mr. Kil stated the proofs of publication were in order. Attorney Randy Wyllie provided the opening remarks and introduced the Fiscal Plan. Mr. Volk asked about the absence of the 4 x 4 public notice signs and the legality of the public hearing. Mr. Kil stated they ran out of signs. Discussion followed.

Public Comment - None.

Mr. Volk stated that there were discrepancies in the parcel boundaries on the legal description and the fiscal plan. Mr. Kil said that he is certain this would be corrected by Metra Studies. **Ms. Teibel motioned to consider on first reading subject to verification of the legal description, Ordinance #1338, the Lake Hills / V3 Realty property annexation. Seconded by Mr. Pearson. Motion unanimously passed.** Mr. Austgen stated that given this is a first reading item only and given that there is a discrepancy concerning the posting of the signs, he suggested the public hearing be continued until April 15, 2004, and the ordinance be adopted one week later. **Ms. Teibel amended her motion to continue the public hearing for Ordinance #1338, the Lake Hills/V3 Realty property annexation to April 15, 2004, subject to the posting of annexation signage on the property and changes to the fiscal plan. Seconded by Mr. Pearson. Motion unanimously passed.**

**Consider Annual CDBG (Community Development Block Grant) for 2004** – Mr. Kil stated that the proofs of publication were in order and read the Opening Remarks for the CDBG Hearing.

### **OPENING REMARKS FOR CDBG PUBLIC HEARING**

Each spring, the Lake County Community Economic Development Department applies to the U.S. Department of Housing and Urban Development (HUD) for new funding through the Community Development Block Grant program (CDBG).

One of the application requirements is to hold public hearings in the communities where CDBG funding is allocated in order to obtain input from the local citizens on the proposed use(s) of the new funding. For FY2004, the Town of St. John CDBG allocation is \$31,680.00.

The most common use of CDBG funds is for infrastructure, including street reconstruction, sanitary sewers, water line extensions, storm drainage improvements,

sidewalks, and projects to remove architectural barriers (handicapped access), such as curb cuts and wheel chair ramps. CDBG funds may also be used to eliminate slums and blight through demolition of unsafe buildings or other clearance activities.

CDBG funded infrastructure projects may only be done in areas where the neighborhood is at least 51% low/moderate income according to HUD guidelines. In most cases, an income survey must be done to qualify the area for funding eligibility. The income information taken by the survey is strictly confidential, and is used solely for the purpose of determining the area's eligibility for CDBG funding.

Handicapped access projects and demolition may be done anywhere in a community, without the need for area income determinations.

The public hearing is just the start of the application process for Lake County. There are a series of legal advertisements and comment periods that take place during the summer, prior to final grant approval from HUD in late August. New CDBG funding is released to the County and its entitlement communities on or around **September 1<sup>st</sup>, and needs to be expended by June 13<sup>th</sup>** of the following year.

After public comment tonight, three documents need to be read and adopted: the Affirmative Action Program, Section 3 Understanding, and a Resolution authorizing the Town Executive to submit a project proposal for CDBG funding.

Finally Project Applications, and supporting documentation, need to be submitted no later than April 15<sup>th</sup> for review by Lake County.

The floor is open for comments.

#### **Public Comment.**

Ms. Margo Sabato, Director of the South Lake County Community Services – provided an overview of the agency, they provide bus service for seniors and people with disabilities. She requested \$4,000.00 of the CDBG funds for continuation of services.

Mitchell King, Program Monitor for the Lake County Community Economic Development Department – emphasized that the funds need to be expended in a timely fashion and requested that the project applications be submitted to his office by April 15<sup>th</sup>. He also provided his phone number to answer any questions.

#### **Public Comment closed.**

**Ms. Teibel motioned that the Affirmative Action Plan Adoption be read verbatim and incorporated into the meeting minutes. Seconded by Mr. Pearson. Motion unanimously passed.**

Mr. Kil read the Affirmative Action Program Implementing Section 3 of the Housing and Urban Development Act of 1968.

**AFFIRMATIVE ACTION PROGRAM  
IMPLEMENTING SECTION 3 OF THE  
HOUSING AND URBAN DEVELOPMENT ACT OF 1968**

**SPECIFIC AFFIRMATIVE ACTION STEPS**

TOWN OF ST. JOHN agrees to implement the following specific affirmative action steps directed at increasing the utilization of lower income residents and project area businesses.

- A. To ascertain from the HUD Area Office, Director the exact boundaries of the Section 3 covered project area and where advantageous, seek the assistance of local officials of the department in preparing and implementing the affirmative action plan.
- B. To attempt to recruit from the appropriate areas the necessary number of lower income residents through: local advertising media, signs placed at the proposed site for the project, and community organizations and public or private institutions operating within or serving the project area such as Service Employment and Redevelopment (SER), Opportunities Industrialization Center (OIC), Urban League, Concentrated Employment Program, Hometown Plan or the U.S. Employment Service.
- C. To maintain a list of all lower income area residents who have applied either on their own or on referral from any source and to employ such persons, if otherwise eligible and if a vacancy exists.
- D. To insert this affirmative action plan in all bid documents, and to require all bidders to submit a Section 3 affirmative action plan including utilization goals and the specific steps planned to accomplish the goals.
- E. To insure that contracts which are typically let on a negotiated rather than a bid basis in areas other than Section 3 covered project area, are also let on a negotiated basis, where ever feasible when let in a Section 3 covered project area.
- F. To formally contact unions, subcontractors and trade associations, to secure their cooperation for this program.
- G. To insure that all appropriate project area business concerns are notified of pending contractual opportunities.
- H. To maintain records including copies of correspondence, memoranda, etc., which document that all of the above affirmative action steps have been taken.
- I. To appoint or recruit an executive official of the company or agency as Equal Opportunity Officer to coordinate the implementation of this Section 3 affirmative action plan.

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Signature

TOWN COUNCIL PRESIDENT

Title

Mr. Kil read Section 3 Understanding.

## **LAKE COUNTY, INDIANA**

### **Section 3 Understanding**

The U.S. Department of Housing and Urban Development (HUD) issued regulations that provide the directive to create job opportunities for low income persons when HUD funds are expended on a construction project. These regulations are known as Section 3 policy. The purpose of the Section 3 policy is to ensure that the employment and other economic opportunities generated by Federal financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed toward low and very low income persons.

Section 3 covered projects are construction, reconstruction, conversion, or rehabilitation of housing, including reduction and abatement of lead based paint hazards, or other public construction which includes building and improvements assisted with HUD housing and community development assistance. Section 3 covered contracts do not include contracts for purchase of supplies and materials. However, whenever a contract for materials includes the installation of the materials, the contract constitutes a Section 3 covered contract.

Fund recipients and contractors must show compliance with the numerical goals set forth by the regulations. The numerical goals for new hires apply only to the number of new hires generated because of the financial assistance of the HUD programs. The numerical goals are not absolute numerical requirements. They are goals that each recipient and contractor should try to reach. The goals, if not met, do not trigger sanctions against the recipient or contractor. However, if challenged on the issue of compliance with Section 3, the recipient or contractor should be ready to demonstrate that they tried to reach these goals. The goals are as follows:

- 30% of all covered new hires for the year beginning FY 2004

In addition, recipients and contractors are required to show compliance with the goal that at least 10% of any building trade activity, which is subcontracted, and 3% of non-building trade activity (construction management, etc.), is awarded to eligible Section 3 business concerns.

Further information regarding these requirements may be found in the Federal Regulations at 24 CFR 135 and the Lake County Section 3 Plan.

*I certify and I have read the information above and understand the Section 3 requirements and numerical goals.*

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**Resolution #04-03-25B authorizing the 2004 CDBG Project, and directing the Town Council to submit the project proposal.**

Mr. Kil asked if it is the wish of the Town Council, \$4,000.00 would be submitted to the South Lake County Community Services Bus Program. The remainder of funds then allocated to the Park Department to provide for handicap accessibility within the parks. Anticipated project has already been signed off by Mr. King and the Economic Development Office, and would be the project submittal for this year.

**RESOLUTION NUMBER 04-03-25B**

**A RESOLUTION AUTHORIZING AND DIRECTING  
THE TOWN COUNCIL PRESIDENT OF THE TOWN OF ST. JOHN  
TO  
SUBMIT A PROJECT PROPOSAL FOR COMMUNITY  
DEVELOPMENT  
BLOCK GRANT FUNDS FOR FEDERAL FISCAL YEAR 2004**

WHEREAS, under the provisions of Title 1 of the Housing and Community Development Act of 1974, as amended to date, Lake County, Indiana is authorized to provide financial assistance to units of general local government for undertaking and carrying out Community Development activities; and

WHEREAS, it is provided in such Act that the unit of general local government shall provide satisfactory assurance prior to submission of its Application, that is has held one public hearing to obtain the views of citizens on Community Development needs; and

WHEREAS, it is desirable and in the public interest that St. John, Indiana, hereinafter called the (“Town”), undertake and carry out Community Development activities; and

WHEREAS, the Town of St. John is proposing a project for assistance under the Housing and Community Development Act of 1974, as amended to date, and to proposes to undertake and make available a total project cost of Thirty-one thousand six hundred eighty dollars (\$31,680.00); and

WHEREAS, the Town of St. John has held one formal public hearing on the proposed program and has made available to the general public, through the mass media and other sources, information concerning the program; and

WHEREAS, the Town of St. John has general knowledge of the proposed used such funds and cognizant of the conditions that are imposed in the undertaking and carrying out of Community Development activities and undertaking with Federal financial assistance under Title 1, including those prohibiting discrimination because of race, color, creed, sex or national origin;

NOW, THEREFORE, BE IT RESOLVED, by the Town of St. John, Indiana:

Section 1: That the Town Council President of the Town of St. John, Indiana is hereby authorized to file a Project proposal for funds under Title 1 of the Housing and Community Development Act of 1974, as amended to date, with Lake County, Indiana and provide all information and assurances as may be necessary under the Act.

ST. JOHN TOWN COUNCIL

\_\_\_\_\_  
Michael S. Fryzel  
TOWN COUNCL PRESIDENT

ATTEST:

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Sherry P. Sury  
CLERK-TREASURER

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**Mr. Pearson motioned to approve Resolution #04-03-25B and authorize the Town Council President to submit any and all documents necessary for the project application. Seconded by Ms. Teibel. Motion unanimously passed.**

**Mr. Barenie motioned to enter into an agreement for the amount of \$4,000.00 for powering the vehicles at South Lake Community Services Inc. and the Town. Seconded by Ms. Teibel. Motion unanimously passed.**

**New Business**

**Consider Resolution #04-03-25, approving fiscal plan related to Cornerstone annexation – Mr. Pearson motioned to approve Resolution #04-03-25. Seconded by Ms. Teibel. Motion carried with 4 ayes and one nay by Mr. Volk.**

**Consider Ordinance #1336, an Ordinance annexing the Cornerstone Development property – Mr. Barenie motioned to adopt Ordinance #1336, annexing the Cornerstone Development property. Seconded by Ms. Teibel. Motion carried with 4 ayes and one nay by Mr. Volk.**

**Consider Resolution #04-03-25A, a declaratory resolution related to the request for tax abatement from Welch Partners, L.L.C. (Petitioner: James L. Wieser)** – Ms. Teibel motioned to approve a 5-year abatement for the property in Resolution #04-03-25A. Seconded by Mr. Pearson. Motion carried with 4 ayes and one nay by Mr. Volk.

**Consider Ordinance #1339, an amendment to Salary Ordinance #1318 (Park Department)** – Mr. Barenie motioned to consider on first reading Ordinance #1339, an amendment to the Salary Ordinance for the Park Department. Seconded by Mr. Pearson. Motion unanimously passed.

Mr. Barenie motioned to adopt Ordinance #1339, an amendment to Salary Ordinance #1318. Seconded by Mr. Pearson. Motion unanimously passed.

**Consider position description of Superintendent of Parks and Recreation (and permission to advertise for position)** – Mr. Pearson motioned to approve the position description and allow for the advertisement of same. Seconded by Ms. Teibel. Motion unanimously passed.

**Consider Ordinance #1340, an Amendment to Master Traffic Ordinance #511 (Woods of Weston Ridge)** – Mr. Barenie motioned to consider on the first reading Ordinance #1340, an amendment to the Master Traffic Ordinance #511 for the Woods of Weston Ridge subdivision. Seconded by Ms. Teibel. Motion unanimously passed.

Mr. Barenie motioned to adopt Ordinance #1340, an amendment to the Master Traffic Ordinance for the Woods of Weston Ridge. Seconded by Mr. Pearson. Motion unanimously passed.

**Consider Ordinance #1341, an Ordinance amending Ethics Ordinance #1313 (second reading)** – Mr. Pearson motioned to adopt Ordinance #1341, the Ordinance amending the Ethics Ordinance #1313. Seconded by Mr. Barenie. Motion unanimously passed.

**Consider Ordinance #1342, an Ordinance amending Ordinance #1025, establishing a Reserve Police Officer Program (increase to 20 reserves)** – Mr. Pearson motioned to consider Ordinance #1342, an ordinance amending Ordinance #1025 establishing a Reserve Police Officer Program. Seconded by Mr. Barenie. Motion unanimously passed.

Mr. Barenie motioned to adopt Ordinance #1342, for the Reserve Police Officer Program. Seconded by Mr. Pearson. Motion unanimously passed.

**Consider two appointments to the Planning & Development Advisory Commission** – Mr. Barenie motioned to appoint Mr. George Gawrys and Mr. Lyle Carlson to the Planning & Development Advisory Commission. Seconded by Mr. Pearson. Motion carried with 4 ayes and one nay by Mr. Volk.

**Consider Lease Agreement with Suncrest Christian Church for recreational uses** – Agreement explained by Mr. Barenie and that the land will be used for the soccer programs. Mr. Barenie motioned to consider the lease agreement with Suncrest Christian Church for the described property. Seconded by Ms. Teibel. Motion unanimously passed.

**Consider Lease Agreement #3860 of Lamar Advertising** – Mr. Barenie motioned to approve Lease Agreement #3860 with Lamar Advertising and the Town of St. John. Seconded by Mr. Pearson. Motion unanimously passed.

**Consider contract between St. John Township Trustee and St. John Volunteer Fire Department** – Ms. Teibel motioned to approve the contract between the St. John Township Trustee and the St. John Volunteer Fire Department. Seconded by Mr. Pearson. Motion unanimously passed.

**Open bids for Public Works and Police Department Equipment and Vehicles** – Mr. Austgen opened and read the bids.

<u>ITEM</u>	<u>NUMBER OF BIDS</u>	<u>NAME</u>	<u>AMOUNT</u>
1990 2500 GMC Vandura	2	Bob Schultz Schultz Auto Sales	\$426.00
		Terry Tarnowski	\$250.00
1979/1981 Allis Chalmers Diesel Engine, serial #65-03579 with a Onan 125 KW Generator serial #H810585059	3	Bob Schultz Schultz Auto Sales	\$876.00
		Andy Young Andy's Truck & Eq	\$1,689.00
		David Reinhard	\$1,010.00
1978 WABCO (Westinghouse Air Break Company) Compressor	4	Bob Schultz Schultz Auto Sales	\$456.00
		Fred Monix	\$150.00
		Andy Young Andy's Truck & Eq	\$179.00
		Terry Tarnowski	\$560.00
Utility Trailer w/brake lights, size 5' wide 6' long	4	Terry Tarnowski	\$35.00
		Tim Foley	\$78.00
		Bob Schultz Schultz Auto Sales	\$12.00
		Tony Kollak	\$25.00

One (1) Universal Life Generator, Watts 2500, model #205UPBB2D, with a Briggs & Stratton 6 H.P. engine	4	Tim Foley	\$58.00		
		Bob Schultz Schultz Auto Sales	\$56.00		
		Bill Beechin	\$ 105.20		
		Terry Tarnowski	\$65.00		
1999 Ford Crown Victoria	9	Terry Tarnowski	\$3,200.00		
		Andy Young Andy's Truck & Eq	\$1,269.00		
		Jennifer Heflin	\$2,030.00		
		Bill Beechin	\$3,005.05		
		Bob Schultz Schultz Auto Sales	\$2,727.00		
		FedEx Averlorne Jones Police Cars Unlim	\$2,700.00		
		FedEx Michael Makon Quality Used Cars	\$2,845.00		
		FedEx Alex Grunzy B & B Auto Sales	\$3,600.00		
		Not in sealed env	Fax Sheet	Mike - Bay Ridge Motors, Inc.	\$3,327.00
		1 (One) 1996 Ford Crown Victoria (Car #30)	6	Terry Tarnowski	\$500.00
Bob Schultz Schultz Auto Sales	\$1,056.00				
FedEx Averlorne Jones Police Cars Unlim	\$350.00				
FedEx Michael Makon	\$649.00				

Quality Used Cars

Quantity	Description	Envelope Status	Supplier	Price
			FedEx Alex Grunzy B & B Auto Sales	\$612.00
		Not in sealed envelope	Fax Sheet Mike - Bay Ridge Motors, Inc.	\$1,319.00
1 (One)	1996 Ford Crown Victoria (Car #31)	7	Bob Schultz Schultz A Sales	\$1,126.00
			Terry Tarnowski	\$500.00
			Bill Beechin	\$1,206.05
			FedEx Averlorne Jones Police Cars Unlim	\$750.00
			FedEx Michael Makon Quality Used Cars	\$689.00
			FedEx Alex Grunzy B & B Auto Sales	\$1,132.00
		Not in Sealed Env	Fax Sheet Mike - Bay Ridge Motors, Inc.	\$1,297.00
One (1)	1995 Ford Crown Victoria	5	Bob Schultz Schultz Auto Sales	\$748.00
			FedEx Averlorne Jones Police Cars Unlim	\$500.00
			FedEx Michael Makon Quality Used Cars	\$409.00
			FedEx Alex Grunzy B & B Auto Sales	\$612.00
		Not in Sealed Env	Fax Sheet Mike - Bay Ridge Motors, Inc.	\$1,113.00

Mr. Austgen recommended that the Town Council take all sealed bids tendered and opened tonight under advisement, authorize the Town Manager to review same, prepare a proposal tabulation, authorize the bid award to the highest responsive, and to reject the bid faxed in. **Mr. Pearson motioned to accept Mr. Austgen's recommendation. Seconded by Ms. Teibel. Motion unanimously passed.**

Reports & Correspondence

Town Council – None.

Clerk-Treasurer

**Approval for use of the Town Hall Meeting Room and the Public Works Pole Barn for the Primary Election on May 4<sup>th</sup>** – Ms. Teibel motioned to allow the use of the Pole Barn and the meeting room for the Primary Election. Seconded by Mr. Pearson. Motion unanimously passed.

**Letter of Credits for Three Springs - Amendment of motion made during the February 26th, 2004 meeting whereas the amounts were reversed, the correct amounts are: Improvements \$111,161.60 and Maintenance \$166,474.18** – Ms. Teibel motioned to correct this error where the amounts were transposed. Seconded by Mr. Barenie. Motion unanimously passed.

Staff – None

**Payment of Bills - #7342 through #7470 in the amount of \$488,460.28 for the Corporation** – Ms. Teibel motioned to approve the payment of bills #7342 through #7470 in the amount of \$488,460.28 for the Corporation. Seconded by Mr. Barenie. Motion unanimously passed.

Public Comment – None

Ms. Teibel made a general statement regarding the resignation of Police Chief Guzik. Exhibit A attached.

**Adjournment** – Mr. Pearson motioned to adjourn the meeting. Seconded by Ms. Teibel. Motion unanimously passed. The meeting adjourned at 8:15 p.m.

Attest:

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Sherry P. Sury, Clerk-Treasurer