

ST. JOHN TOWN COUNCIL REGULAR MEETING
St. John Municipal Building Main Meeting Room

May 20, 2004

Mr. Fryzel called the meeting to order at 7:07 p.m. and led the Pledge of Allegiance. Roll call was taken with the following members present: Michael Fryzel, President; Gregory Volk, Member; Charles Pearson, Member; Mark Barenie, Member; David Austgen, Attorney; Steve Kil, Town Manager; and Sherry Sury, Clerk-Treasurer. Jerri Teibel, Vice-President was absent.

Old Business – None

New Business

Ordinance #1347, amending Ordinance #1022, being the “Curfew Regulations for Persons Under Eighteen Years of Age” – Mr. Barenie motioned to consider Ordinance #1347 on first reading. **Seconded by Mr. Pearson. Motion unanimously passed.**

Mr. Pearson motioned to adopt Ordinance #1347. Seconded by Mr. Barenie. Motion unanimously passed.

Ordinance #1348, an ordinance concerning the acquisition, construction and improvement by the Town of St. John, Indiana, of certain sewage works, the issuance and sale of sewage works revenue bonds to pay the costs thereof – Mr. Kil stated that this Ordinance comes with a recommendation from the utility district. Mr. Kil added that it would be appropriate to consider this ordinance on first reading tonight and then present it for adoption at a subsequent meeting. Mr. Volk questioned the duration of the bond, the principal and interest amounts, what the bond will be used for, and how it will be paid off. Discussion ensued. Mr. Volk stated that he would like to hold off on the bond until the annexation is complete for the Southeast part of the utility district. **Mr. Pearson motioned to consider Ordinance #1348 on first reading. Seconded by Mr. Barenie. Motion carried with 3 ayes and one nay by Mr. Volk.**

Ordinance #1349, an ordinance establishing certain system development charges for the Town of St. John Water works – Mr. Volk asked if this ordinance is essentially an impact fee. Mr. Austgen referenced IC 36-9-23-1, which describes municipality power. Mr. Volk suggested reducing the rates. Discussion ensued, including discussion with Mr. Steve Carter of H. J. Umbaugh and Associates, Financial Advisor, regarding the charges. **Mr. Barenie motioned to consider on first reading Ordinance #1349 with the stipulation that this ordinance will change the rates charged by meter sizes, i.e., first charge listed is \$1,000.00 and directed the Financial Advisor to modify rates pursuant to the discussion. Seconded by Mr. Pearson. Motion unanimously passed.** Mr. Fryzel authorized a public hearing for Ordinance #1349 to be held on June 17, 2004.

Ordinance #1350, an ordinance establishing certain system development charges for the Town of St. John Sewage Works – Discussion ensued, including discussion with Mr. Steve Carter of H. J. Umbaugh and Associates, Financial Advisor, regarding the charges. **Mr. Pearson motioned to consider Ordinance #1350 on first reading with the stipulation that this ordinance will change the rates charged by meter sizes, i.e., first charge listed is \$1,000.00 and directed the Financial Advisor to modify rates pursuant to the discussion. Seconded by Mr. Barenie. Motion unanimously passed.** Mr. Fryzel authorized a public hearing for Ordinance #1349 to be held on June 17, 2004.

Ordinance #1351, an ordinance amending Ordinance #997 (Personnel Policy Manual) regarding Vacation Leave – Mr. Kil stated that this was to add in the positions of the Town Manager and Fire Chief into the Personnel Policy Manual for vacation leave. Mr. Fryzel questioned why the Police Chief receives 200 hours of vacation after one year when other department heads must wait 5 years. Other council members were in agreement. **Mr. Pearson motioned to consider Ordinance #1351 on first reading with the stipulation that the Police Chief falls in line with the other department heads and the last sentence of the ordinance be removed. Seconded by Mr. Barenie. Motion unanimously passed.**

Mr. Pearson motioned to adopt Ordinance #1351. Seconded by Mr. Barenie. Motion unanimously passed.

Waiver of building permit fees for re-roofs at Prairie West Park, Schillon Hills Park, Larimer Park and Lancer Park pavilions – Mr. Pearson motioned to waive the permit fees for these locations. **Seconded by Mr. Barenie. Motion unanimously passed.**

Letter of Credit for Bramblewood – Unit III in the amount of \$444,427.50, favorable recommendation from Plan Commission – Mr. Barenie motioned to approve the letter of credit in the amount of \$444,427.50 for the Bramblewood Subdivision - Unit III. **Seconded by Mr. Pearson. Motion unanimously passed.**

Letter of Credit for Unicorp Federal Credit Union in the amount of \$2,625.00, favorable recommendation from Plan Commission – Mr. Pearson motioned to approve the letter of credit in the amount of \$2,625.00 for Unicorp Federal Credit Union. **Seconded by Mr. Barenie. Motion unanimously passed.**

Letter of Credit for Willow Ridge Manor – Unit II in the amount of \$146,180.00, favorable recommendation from Plan Commission – Mr. Barenie motioned to approve the letter of credit in the amount of \$146,180.00 for Willow Ridge Manor - Unit II. **Seconded by Mr. Pearson. Motion unanimously passed.**

Reduction of Letter of Credit for Three Springs Subdivision to the amount of \$83,617.60, favorable recommendation from Plan Commission – Mr. Pearson motioned to approve the reduction of the letter of credit in the amount of \$83,617.60 for Three Springs Subdivision. **Seconded by Mr. Barenie. Motion unanimously passed.**

Resolution #04-05-20, Temporary Transfer of Appropriations to various funds – Mr. Pearson motioned to approve Resolution #04-05-20. **Seconded by Mr. Barenie. Motion unanimously passed.**

Resolution #04-05-20A, Temporary Transfer and Loan of Funds from WWTP Expansion Fund to General Fund – Mr. Pearson motioned to approve Resolution #04-05-20A. **Seconded by Mr. Barenie. Motion unanimously passed.**

Resolution #04-05-20B, Temporary Transfer and Loan of Funds from Park and Recreational Fund to the Park Bond and Interest Fund – Mr. Barenie motioned to approve Resolution #04-05-20B. **Seconded by Mr. Pearson. Motion unanimously passed.**

Resolution #04-05-20C, Temporary Transfer and Loan of Funds from Park and Recreational Fund to the Park Operating Fund – Mr. Pearson motioned to approve #04-05-20C. **Seconded by Mr. Barenie. Motion unanimously passed.**

Resolution #04-05-20D, Temporary Transfer and Loan of Funds from the WWTP Expansion Fund to the Sanitary District Operating Fund – Mr. Pearson motioned to approve Resolution #04-05-20D. Seconded by Mr. Barenie. Motion unanimously passed.

Approval of Proposal by T. M. Wells Valuation Services to conduct GASB 34 report on St. John owned fixed assets and inventory – Mr. Kil stated this is required by the State Board of Accounts. Ms. Sury stated that the charges have been divided among the Sanitary District, Waterworks District and the Town Council. **Mr. Barenie motioned to approve the proposal by T. M. Wells Valuation Services in the amount of approximately \$4,100.00 to complete the GASB 34 report for St. John owned fixed assets and inventory. Seconded by Mr. Pearson. Motion unanimously passed.**

Reports & Correspondence

Town Council

Mr. Volk stated that he would like the meeting binders distributed five business days before the meeting so ample time could be given for review of the materials. Mr. Kil stated he would have the vast majority of the information in the packets, however, there would be some last minute items, but he does have a 48 hour deadline for inclusion. He will have the binders distributed on the prior Friday for first meeting of the month and the binders for the second meeting will be the Monday or Tuesday.

Mr. Barenie stated that J. L. Shandy donated a very expensive and nice scoreboard for the Babe Ruth Field and it will arrive in about three weeks.

Clerk-Treasurer – None.

Staff

Mr. Kil stated that he has a request to waive the permit fee in the amount of \$175.00 for the Fire Department as they plan to build a second garage at the training site. **Mr. Pearson motioned to amend the agenda to add this item and to waive the Permit Fee for the Fire Department. Seconded by Mr. Barenie. Motion unanimously passed.**

Public Comment

Joe Hero, 11723 S. Oakridge Dr. – addressed Ordinance #1348 establishing the bond; he stated the practice in this community is that the developer pays their own way; this has now been shifted to the users. The bond has no plan and not enough information for the bid process. Ordinances #1349 and #1350 have arbitrary amounts, which opens up potential lawsuits. The costs in these three ordinances should be put on the developers not the users.

Phyllis Bergiel, 14350 West 101st Avenue – read a prepared statement regarding the resolutions that were passed at the May 17th, 2004, Sanitary and Waterworks Districts meeting. Taxation for services the established homes would probably never have. She cited examples of homes so far from 101st Street that it is not feasible to run the lines and provided suggested actions to remedy this situation. The Town Council was asked to remonstrate against the resolutions.

Mr. Kil showed the residents on a map where the boundaries have been expanded to include the southwest and southeast quadrants and where the expected sanitary lines will be located. He also discussed the Illinois utility company that the town anticipates will try to come into the district.

Mr. Fryzel stated that they must think of the future of the Town of St. John and where the developments are planned. They pulled the tax identification numbers of the residents within these sections in an effort not to tax the residents that will not use the service. There already is an Illinois utility providing services to one of the developments. They want the money to stay in St. John and not go to Illinois.

Ms. Bergiel stated that the tax could be zero for the residents not using the service. Mr. Kil will see if this can be done. Discussion followed regarding the property values and the control of what is being developed.

Paulette Schulte, 10609 Calumet Avenue – stated that part of her property is in the taxing district and part is not. She asked why they did not go all the way to State Line. Mr. Kil stated they can logically and engineering wise accept property 1,275 feet west of Calumet Avenue; any farther than that, they cannot provide service due to the topography of the land. He also stated the assessed value of the vacant land is less than developed property.

Tom Kowalik, 10617 Calumet – asked about the development by him. He questioned the rate increase and stated that he would be paying for something he would not receive.

Joe Hero – suggested that the Council charge a user fee and do away with the tax. He also suggested the town negotiate a deal with the Illinois vendor.

Phyllis Bergiel – asked if there was another way that they can have input. Mr. Fryzel suggested she meet with Mr. Kil.

Mr. Fryzel - stated that the residents brought up a lot of good ideas and they will look into it this. Mr. Kil invited the audience to come in to his office and see the plans of what is going on in Town.

Paulette Schulte – thanked the Town Council for their explanation on the boundary expansion and stated that she does not mind being in the district if she is not taxed for it.

Vince Casboni, White Oak Avenue – complimented the Town Council regarding the questioning posed by the residents in attendance.

Adjournment – Mr. Barenie motioned to adjourn the meeting. Seconded by Mr. Pearson. Motion unanimously passed. Meeting adjourned at 9:00 p.m.

Attest:

Sherry P. Sury, Clerk-Treasurer