

St. John Town Council Regular Meeting
St. John Municipal Building Main Meeting Room
August 26, 2004

Mr. Fryzel called the meeting to order at 7:02 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; Dave Austgen, Attorney; Steve Kil, Town Manager; Police Chief Frego; and Sherry Sury, Clerk-Treasurer.

Approval of minutes of the July 15, 2004 Regular Meeting and the July 22, 2004 Regular Meeting – Ms. Teibel motioned to approve the July 15, 2004 Regular Meeting and the July 22, 2004 Regular Meeting. **Seconded by Mr. Pearson. Motion unanimously passed.**

Proclamation – Declaring the week of September 17th through 23rd, 2004 as “Constitution Week” in St. John – Mr. Fryzel read the proclamation.

Public Hearings

Ordinance #1357, Annexation Petition for Saddle Creek Development – Todd Olthof – Mr. Austgen stated that the Proofs of Publication were in order. Mr. Volk asked if the public hearing notice was posted on the property to be annexed. Discussion ensued. Mr. Volk stated that due to the ordinance in effect and if the sign was not posted, he suggested that the hearing should be re-scheduled. **Ms. Teibel motioned to continue the public hearing to September 16th at 7 p.m., the next public meeting of this Council. Seconded by Mr. Pearson. Motion unanimously passed.** Mr. Austgen stated no further notice is required here; however, posting of the sign is required.

Ordinance #1354, 2005 Budget Adoption – Mr. Austgen stated that **The Times** has provided Proofs of Publication and it was in order, the Proofs of Publication have not been returned by the **Post Tribune**. However, it appears that publication has occurred and any action taken shall be subject to return and receipt of the publisher’s affidavit from the **Post Tribune**.

Mr. Jim Bennett Financial Consultant from J.M. Bennett & Associates provided the opening remarks. He stated the town is in good financial position at this point. They tried to hold the levies down for 2005. The remainder of the 2002 taxes payable in 2003, are now distributed and the 2004 taxes will be certified in September, the first draw for the 2003 payable 2004 taxes should be by December 31st, the second draw sometime in February which would put things back on schedule. He recommended that the budget as advertised be passed and discussed the effect of the challenge to the Supreme Court assessment decision.

Public Comment

Phyllis Bergiel, 14350 West 101st Avenue – stated that she appreciates the fiscal responsibility shown by the town and the willingness of the Council to discuss the various rates and to explain them succinctly.

Public Comment closed.

Ms. Teibel motioned to consider Ordinance # 1354 on First Reading only. Seconded by Mr. Barenie. Motion unanimously passed.

Old Business – None

New Business

Ordinance #1359, North Point subdivision rezone from R-1 Single Family to R-2 Single Family (favorable recommendation from Plan Commission) – Mr. Volk stated that the Plan Commission approval narrowly passed by a 4-3 vote. There are concerns by the residents regarding the increase in traffic onto Marquette Street. Mr. Kil stated that the Plan Commission is looking at a place for a stub street to Cline Avenue. Mr. Volk also mentioned a concern regarding the developers' lot sizes. Discussion ensued. Mr. Volk suggested that the council send this back to the Plan Commission **Mr. Pearson motioned to adopt Ordinance #1359. Seconded by Ms. Teibel. Motion carried with four ayes and one nay by Mr. Volk.**

Ordinance #1358, Weston Ridge – The Woods Unit II rezone from R-3 Single Family to Residential P.U.D. (favorable recommendation from Plan Commission) - Mr. Barenie motioned to adopt Ordinance #1358. **Seconded by Ms. Teibel. Motion unanimously passed.**

Dump Truck for Public Works Department – Mr. Kil stated that the bids were very high and the truck would not be available until next year. He discussed the bids with Mr. Pharazyn and he would like to look for a mini dump truck, with a plow and a spreader, which would be half the cost. **Mr. Pearson motioned to reject all bids for purchase of a dump truck for the Public Works Department and to authorize solicitation of proposals for a mini dump truck. Seconded by Ms. Teibel. Motion unanimously passed.**

Ordinance #1360, creating a Christmas Events Fund – Mr. Fryzel referenced Ordinance #1361, (this item was not on the agenda) establishing the St. John Community Events Committee that was presented prior to the meeting. He asked Mr. Austgen if the council could act on this ordinance before addressing Ordinance #1360. Discussion ensued regarding Ordinances #1360 and #1361. **Mr. Barenie motioned to consider Ordinance #1360 on First Reading. Seconded by Mr. Pearson. Motion unanimously passed.**

Mr. Pearson motioned to adopt Ordinance #1360. Seconded by Mr. Barenie. Motion unanimously passed

Ordinance #1361, creating a Special Events Committee – Discussion ensued and Mr. Austgen stated that the council could act on Ordinance # 1361 by amending the agenda for this item to be designated as item F. **Ms. Teibel motioned to amend the agenda to add consideration of Ordinance #1361, creating a Special Events Committee. Seconded by Mr. Pearson. Motion unanimously passed.**

Ms. Teibel motioned to consider Ordinance #1361 by removing the words “be a resident of the Town and shall” located in Section 2 on the First Reading. Seconded by Mr. Pearson. Motion unanimously passed.

Mr. Pearson motioned to adopt Ordinance #1361 with the stipulation to remove the words “be a resident of the Town and shall” located in Section 2. Seconded by Ms. Teibel. Motion unanimously passed.

Resolution # 04-08-26, a resolution enlarging participation in Public Employees Retirement Fund (PERF) – Mr. Kil stated that this is a housekeeping item to notify PERF of four new positions: Records Billing Clerk, Park Superintendent, Public Improvement Inspector

and Code Enforcement Officer. **Ms. Teibel motioned to adopt Resolution #04-08-26. Seconded by Mr. Pearson. Motion unanimously passed.**

Payment of Bills - #8238 through #8455 in the amount of \$615,332.95 for the Corporation

– Mr. Volk questioned the number of people attending the IACT Conference and the associated expenses for the three nights. He stated that two people should only attend and they can bring the information back. Discussion ensued. Mr. Fryzel stated that the people in charge of town government should be going to the conferences and Mr. Austgen recommended the Council take advantage of the Conference, as it is a continuous learning process. **Mr. Pearson motioned to pay bills #8238 through #8455 in the amount of \$615,332.95 for the Corporation. Seconded by Mr. Barenie. Motion carried with four ayes and one nay by Mr. Volk.**

Reports & Correspondence

Town Council

Mr. Fryzel asked Mr. Kil about the status of the sidewalk on Joliet Street by Dunkin Donuts. Mr. Kil stated that they are getting prices.

Mr. Barenie thanked Mr. Kielman on behalf of the baseball league for the use of his field.

Clerk-Treasurer - None

Staff - None

Public Comment

Phyllis Bergiel– requested a follow up to a prior issue that has not been resolved regarding a tax exemption for non-residents of the town that have been added into the Sanitary District. She referenced a letter she received from Bond Counsel today that stated waiving the fees would negate the validity of the fee structure, making it arbitrary. She stated that she believes this is a matter of ethics.

Mr. Kil commented on the attorney's response regarding the waiving of fees. Mr. Austgen cautioned about using the term "tax"; there is a rate and a charge. Mr. Kil stated that Ms. Bergiel does have representation because she is in the Sanitary District. Discussion ensued.

Adjournment – Mr. Pearson motioned to adjourn the meeting. Seconded by Ms. Teibel. Motion unanimously passed. Meeting adjourned at 8:22 p.m.

Attest:

Sherry P. Sury, Clerk-Treasurer