

ST. JOHN TOWN COUNCIL REGULAR MEETING  
St. John Municipal Building Main Meeting Room  
March 17, 2005

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; David Austgen, Attorney; Steve Kil, Town Manager and Sherry Sury, Clerk-Treasurer. Also present was Fred Frego, Police Chief. Mark Barenie, Member was absent.

**Old Business** – None

**Public Hearings** (Sign in Sheet – Exhibit #1)

**Application of the Town of St. John for Year 2005 for Community Development Block Grant Project** – Mr. Austgen stated that the Proofs of Publication were in order. Mr. Kil 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 FY2005, the Town of St. John CDBG allocation is \$29,430.00.

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 18<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 1st for review by Lake County.

The floor is open for comments.

### **Public Comment**

Ms. Margo Sabato, Director of South Lake County Community Services – provided an overview of the agency, they provide bus service for senior citizens and people with disabilities. They have about 800 riders, 21 are from St. John. Ms. Sabato requested that the Town allocate \$2,500 of the CDBG funding for the fuel expenses of the bus service and \$1,500 to be applied for the replacement of a vehicle used for this service for a grand total of \$4,000.

### **Floor closed to public comment**

Mr. Kil read the Affirmative Action Program and Section 3 Understanding.

## **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

**LAKE COUNTY, INDIANA  
Section 3 Understanding**

The U.S. Department of Housing and Urban Development (HUD) issued regulations that provide the directive to creative 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 2005

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:** \_\_\_\_\_

**Mr. Pearson motioned to adopt the Affirmative Action Plan. Seconded by Ms. Teibel. Motion unanimously passed.**

**Resolution #05-03-17B authorizing the 2005 CDBG Project, and directing the Town Council to submit the project proposal.** Mr. Kil stated that \$4,000.00 would be allocated to the South Lake County Community Services for the bus service. The remaining money will go to the Parks Department to make the parks handicap accessible.

**RESOLUTION NUMBER 05-03-17B**

**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 2005**

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 it has held one public hearing to obtain the views of citizens on Community Development needs; 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 Twenty-Nine Thousand Four Hundred Thirty dollars (\$29,430.00); 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 uses such funds and is 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

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Michael S. Fryzel  
TOWN COUNCIL PRESIDENT

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ATTEST:

\_\_\_\_\_  
Sherry P. Sury  
CLERK-TREASURER

This resolution shall take effect immediately, having been passed and adopted by the Town Council of the Town of St. John, Lake County, Indiana, this 17<sup>th</sup> day of March 2005.

**Mr. Pearson motioned to adopt Resolution #05-03-17B authorizing the 2005 CDBG Project and directing the Town Council President to submit the project proposal. Seconded by Ms. Teibel. Motion unanimously passed.**

## New Business

**Resolution #05-03-17, a resolution appointing appraisers and taking certain other actions in connection with projects of the St. John Building Corporation** – Ms. Teibel motioned to adopt Resolution #05-03-17. Seconded by Mr. Pearson. Motion passed with three ayes and one nay by Mr. Volk.

**Ordinance #1378, an ordinance amending Master Traffic Ordinance #511** – Mr. Fryzel stated that the sign placement in the Lake Hills subdivision was hard to determine due to the topography of the property and the elevation layout on the subdivision plans. After the signs are installed the Lake Hills subdivision may require that some additional signs be installed and some signs removed. Ms. Teibel motioned to consider Ordinance #1378 on first reading. Seconded by Mr. Pearson. Motion unanimously passed.

Ms. Teibel motioned to adopt Ordinance #1378. Seconded by Mr. Pearson. Motion unanimously passed.

**Consider proposed 2005 Road Projects** - Mr. Kil gave the location of the three projects: 105<sup>th</sup> Avenue, Pheasant Lane and 93<sup>rd</sup> Avenue. Ms. Teibel motioned to approve the 2005 road projects as outlined by the Town Manager. Seconded by Mr. Pearson. Motion unanimously passed. Mr. Fryzel asked that the projects be completed by the end of June.

**Resolution #05-03-17A, a joint resolution with the Hanover Community School Corporation** – Mr. Pearson motioned to adopt Resolution #05-03-17A. Seconded by Ms. Teibel. Motion unanimously passed.

**Arbitrage Rebate Calculations Services Agreement for Umbaugh & Associates related to 2005 First Mortgage Bonds** – Ms. Teibel motioned to approve the agreement and authorize the Town Council President to execute same. Seconded by Mr. Pearson. Motion unanimously passed.

**Permission to advertise for sealed bids for the disposal of Town owned property** – Ms. Teibel motioned to authorize the bidding of certain Town property with sealed bids and authorizing the Clerk-Treasurer to open the bids. Seconded by Mr. Pearson. Motion unanimously passed.

**Waiver of various application / permit fees for subdivision approval of municipal projects** – Mr. Pearson motioned to waive all municipal fees associated with the Public Works Facility, Town Hall Lot 1 and the Public Safety Building. Seconded by Ms. Teibel. Motion passed with three ayes and one nay by Mr. Volk.

## Reports & Correspondence

### Town Council

Mr. Fryzel expressed concern regarding the condition of 101<sup>st</sup> Street from White Oak to Calumet Avenue. He stated that even though the roadway is not in the town's jurisdiction, he would like Mr. Kil to contact the County to repair the road. Mr. Kil stated that Olthof Development would pay for a portion of the roadway reconstruction.

Mr. Fryzel stated that he would like Mr. Austgen to draw up an ordinance that would require established businesses, churches, any location that has a dumpster, to locate their dumpster in the back or on the side of the building and have this area enclosed. Construction sites would be exempt. Discussion ensued. Mr. Austgen stated that this would be a zoning regulation and would require a public hearing before the Plan Commission.

Mr. Pearson stated that the Lake County Solid Waste Management workshop on March 3rd was very informative. The workshop subject was the need for all the participating towns to incorporate a recycling ordinance to mandate business owners and multi-occupancy homes to recycle the same way homes are required to recycle. This is a requirement so that this town funding is not denied.

Clerk-Treasurer – None

Staff

Chief Frego announced the canine program would be re-established. A dog was recently purchased from Landheim Training and Boarding and training will commence on April 11. The dog was purchased with funds from the Policemen's Gift Fund, which are donations to the Police Department.

#### **Public Comment**

Ms. Karen Cockerham, 10317 Joliet Street - stated that they have had a problem on their street for two years and asked when it will be settled. Mr. Fryzel stated that the re-work has been scheduled for April. Mr. Austgen stated that there is a tort claim and that this subject should not be discussed publicly. He advised that he would be contacting their attorney shortly.

**Adjournment – Mr. Pearson motioned to adjourn the meeting. Seconded by Ms. Teibel. Motion unanimously passed. Meeting adjourned at 7:29 p.m.**

Attested:

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Sherry P. Sury, Clerk-Treasurer