

ST. JOHN TOWN COUNCIL REGULAR MEETING  
St. John Municipal Building Main Meeting Room  
April 21, 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; Mark Barenie, Member; David Austgen, Attorney; Steve Kil, Town Manager and Sherry Sury, Clerk-Treasurer. Also in attendance was Police Chief Fred Frego.

**Public Forum – IDEM Permit from ANR Pipeline Corporation** – Mr. Kil stated that IDEM is present to answer questions regarding the Air Quality Permit application from ANR Pipeline Corporation. He introduced the IDEM representatives: Ms. Malini Goel, Director, Northwest Regional Office; and from Indianapolis Mr. Paul Dubenetzky, Chief, Air Permits Branch; and Ms. Jenny Acker, Permit Engineer. On behalf of ANR Pipeline: Ms. Corrie Towns, ANR Environmental Engineer; Mr. Ken Van Haitsma, ANR Area Operations Manager (Plant Manager of St. John location), and from Houston, Texas, Mr. Loren Locker, ANR Head of Government Affairs.

Mr. Loren Locker stated that ANR is in the business of transporting natural gas via the pipeline and provided a synopsis of their role in the process.

Mr. Ken Van Haitsma provided an overview of the history of the plant and stated that as transporters of the natural gas, they respond to the needs of the owners of the natural gas. The plant would like to replace an unreliable and mechanically unsound engine with an identical compatible engine that would be in compliance with the regulations established.

Ms. Corrie Towns provided an overview of the requirements to be met for the permit.

Mr. Paul Dubenetzky referenced the handouts available in the back of the room. He stated that the engine must comply with some new federal regulations. The new federal rule regulates the monitoring of pollutants not previously monitored at this location, particularly formaldehyde. He offered to send the residents the final decision and the steps to take for legal remedy if the resident believes a wrong decision was made.

**Public Comment (Exhibit A)**

Mr. Frank Radanovich, 12603 W. 102<sup>nd</sup> Avenue - asked for clarification and inquired if this is additional or replacement equipment and if this would address the sulfurized dust that is emitted, the odor, noise and vibration. Mr. Van Haitsma responded that this dust typically shows up in August, they have consulted with Purdue University who said this is a rust fungus that shows up when the lawn is stressed. It was stated that IDEM is not aware of anything they regulate that resembles this description, and that they will investigate. The new engine will be much more controlled with the new emission standards than the current engine.

Mr. Donald Vanderzee, 12537 W. 102<sup>nd</sup> Avenue – stated that he lives right behind the plant and it smells like diesel and also has problems with the vibration and rust on the

grass. Mr. Van Haitisma stated that they do not run diesel at the plant. Diesel is used to run heavy equipment at the plant.

Mr. Jim Koeling, 10434 Nieting Ct. – inquired as to which unit is being removed. He stated that it appeared they would be adding new emissions and that the site seems to be getting larger. He has contacted the EPA and was told they were self-monitored that Lake County only has enough staff to cover the mills and that he is concerned with them being self-monitored. Mr. Dubenetzky, from IDEM, responded that ANR is responsible to track fuel usage and in turn report to IDEM. IDEM inspectors inspect the emissions from the stack. The federal requirement is an annual test to measure the emissions from the engine and there are operating parameters on the catalytic oxidizer. This is the monitoring that ANR must do and they must provide the records when requested by IDEM. He discussed SO<sub>2</sub> and ozone requirements and attainment. A brief description of what is covered by Title V was provided.

Mr. Brian Pekny, 12341 W. 102<sup>nd</sup> Avenue - asked if the amounts on the permit reflect what is released. Discussion ensued regarding how the emissions are calculated and what is ANR's schedule to bring other engines into compliance. Mr. Van Haitisma stated that they would need to develop a plan to put in place and then have it approved. ANR stated that they are committed to have the controls in place by the compliance date in 2007.

Mr. Joe and Elizabeth Borgia, 10446 Nieting Court - inquired about the gas in the line, the compressor and the yellow stuff coming out of the smokestack. Ms. Acker stated that they would have the inspector take samples from each side of the plant. Mr. Fryzel thanked everyone for attending this public forum and called for a ten-minute recess.

### **Public Hearings**

**Resolution #05-04-21, an additional appropriation resolution** - Mr. Austgen stated that the Proofs of Publication were in order for both papers. Mr. Kil provided an overview of this resolution and stated that this resolution addressed the acceptance of appraisals and the additional appropriation in connection with the St. John Building Corporation.

**Public Comment** – None – (Exhibit B)

**Mr. Pearson motioned to adopt Resolution #05-04-21. Seconded by Ms. Teibel. Motion passed with four ayes and one nay by Mr. Volk.**

### **Old Business**

**Ordinance #1379, an ordinance amending Ordinance #1066, same being an Ordinance establishing Traffic School Fees and Creating a Police Department Special Fund (Second Reading)** – Ms. Teibel motioned to adopt Ordinance #1379 with an amendment that 100% of monies received by the Town after deductions by the Circuit Court Clerk go to the Police Department Special Revenue Fund (please amend Section #2 to reflect this motion). **Seconded by Mr. Barenie. Motion unanimously passed.**

Mr. Austgen requested that Section Two be amended as follows: that there is hereby created the Police Department Special Revenue Fund into which fund shall be deposited

the entire balance of the St. John Driver Education Program Fee that remains after deduction of the amount required for payment of court costs to the Clerk of the Lake County, Indiana Courts as described in Section One above.

### **New Business**

**Blue Star Banner Salute Day Proclamation** – Mr. Fryzel read the Proclamation. Mr. Ernie Dillon, Lake County Veteran Service Office, Director of Lake County Veterans Affairs stated that on May 21<sup>st</sup> Armed Forces Day, the families and soldiers serving our country will be honored with a Blue Star Banner. He stated that Hammond is the Host City from 9 a.m. until noon at the National Guard Armory. **Mr. Pearson motioned to declare May 21, 2005 as Blue Star Banner Salute Day. Seconded by Ms. Teibel. Motion unanimously passed.**

**Indiana Child Abuse and Neglect Prevention Awareness Month Proclamation** – Ms. Teibel read the Proclamation. **Mr. Barenie motioned to declare April as Abuse and Neglect Prevention Month for St. John and the rest of the State of Indiana. Seconded by Mr. Pearson. Motion unanimously passed.**

**Ordinance #1386, an ordinance authorizing the Acquisition, Construction and Installation of certain Improvements for the Waterworks System and Issuance of Revenue Bonds and Bond Anticipation Notes** – Mr. Kil provided an overview of the purpose of the ordinance and stated that this money will be used to raise the water towers and also the removal of the iron in the water. Discussion ensued. Mr. Carter confirmed that the bonds would be paid back by the System Development Charges and gave the details of how the bonds/bans are used for the funding of projects. The funding is not to exceed \$2,500,000. **Ms. Teibel motioned to consider Ordinance #1386 on First Reading. Seconded by Mr. Barenie. Motion unanimously passed.**

**Mr. Barenie motioned to adopt Ordinance #1386. Seconded by Mr. Pearson. Motion unanimously passed.**

**Consider Petition for Variance of Use submitted by Kenneth J. Ubriaco (Unfavorable recommendation by the Board of Zoning Appeals on March 23, 2005)** – Ms. Teibel motioned to deny the petition for variance of use incorporating the findings of fact by the Board of Zoning Appeals. **Seconded by Mr. Pearson. Motion passed with four ayes and one nay by Mr. Volk.** Mr. Volk stated that Mr. Ubriaco would probably do what he wants to anyway and the Board should try to iron out the residents' concerns beforehand. Mr. Austgen stated that the BZA took full consideration of the items of concern presented by the residents and Mr. Ubraico.

Mr. Ubriaco, 8731 Verbena Court - stated that #1 the federal law prohibits this in the Americans with Disabilities Act; Valparaiso has a Convergent Housing Ordinance; #2 that he went about this the correct way by asking for a variance; and #3 he took excellent care of his wife and he never had a problem. Discussion ensued regarding the events of the BZA meeting that addressed this variance petition.

Wayne Pondinas, 8781 Verbena - stated that he has had problems with Mr. Ubriaco for ten years.

**Ordinance #1381, amending ordinance #1350 concerning charges for sewerage services** – Mr. Kil stated this ordinance addresses the service line size at point of connection and adds the line sizes of 8, 10, and 12 inches for the system development water and sewer charges. **Ms. Teibel motioned to approve Ordinance #1381 on First Reading only. Seconded by Mr. Pearson. Motion unanimously passed.** It was announced that the Public Hearing is scheduled for April 28<sup>th</sup>.

**Ordinance #1382, amending ordinance #1349 concerning water rates and charges** – Ms. Teibel motioned to approve Ordinance #1382 on First Reading only. **Seconded by Mr. Barenie. Motion unanimously passed.** It was announced that the Public Hearing is scheduled for April 28<sup>th</sup>.

**Ordinance #1383, an ordinance amending Town Code Section 20-1 & 20-7 pertaining to solid waste regulations for businesses, multi-family units and demolition permits** – Mr. Pearson, liaison to the Lake County Solid Waste Management District Board, stated that the Board is mandating that each community pass an ordinance to address the reduction, reuse and recycling of solid waste. He explained the actions each entity must take. **Mr. Barenie motioned to consider Ordinance #1383 on First Reading. Seconded by Ms. Teibel. Motion unanimously passed.**

**Ms. Teibel motioned to adopt Ordinance #1383. Seconded by Mr. Pearson. Motion unanimously passed.**

**Ordinance #1384, an ordinance amending Town Code Section 10-3 / Business License Applications, pertaining to solid waste regulations** – Mr. Barenie motioned to consider Ordinance #1384 on First Reading. **Seconded by Mr. Pearson. Motion unanimously passed.**

**Mr. Pearson motioned to adopt Ordinance #1384. Seconded by Ms. Teibel. Motion unanimously passed.**

**Uniform Conflict of Interest Disclosure for Michael L. Muenich** – Mr. Barenie motioned to authorize the signing of the disclosure form. **Seconded by Ms. Teibel. Motion unanimously passed.**

**Ordinance #1385, an ordinance related to Hydrant and Sprinkling System charges** – Mr. Fryzel stated that this is also to address hydrant rentals fees for our utility customers in the area outside of town that are in the water district. Ms. Sury stated that the utility users would be billed \$3.65 monthly on their water bill for hydrant fees. **Ms. Teibel motioned to consider Ordinance #1385 on First Reading. Seconded by Mr. Barenie. Motion unanimously passed.**

**Ms. Teibel motioned to authorize a public hearing on May 19, 2005. Seconded by Mr. Barenie. Motion unanimously passed.**

**Petition of Mary Ann Deutsch to connect to sanitary sewer system at 12520 West 85<sup>th</sup> Avenue** – Ms. Teibel motioned to grant the petition. **Seconded by Mr. Pearson. Motion unanimously passed.**

**Settlement Agreement of Kencorp vs. Town of St. John** – Ms. Teibel motioned to accept the settlement agreement. Seconded by Mr. Pearson. Motion unanimously passed.

**Resolution # 05-04-21A, a resolution authorizing a temporary transfer and loan of funds** - Mr. Pearson motioned to adopt Resolution # 05-04-21A. Seconded by Ms. Teibel. Motion unanimously passed.

**Ordinance #1372, a corrected reference for Ordinance #841 (passed earlier with a reference to Ordinance #839)** – Mr. Fryzel stated that he would like the 600-foot limit extended to 1200 feet from U.S. 41 regarding the section on building construction incorporated in this ordinance. Mr. Austgen was requested to schedule a public hearing for this item. Ms. Teibel motioned to adopt Ordinance #1372 as corrected. Seconded by Mr. Pearson. Motion unanimously passed.

**Award of F.Y. 2003 and F.Y. 2004 Community Development Block Grant (CDBG)** – Mr. Barenie motioned to award the CDBG project to J & J Newell Concrete. Seconded by Ms. Teibel. Motion unanimously passed.

#### Reports & Correspondence

Town Council

Mr. Fryzel announced that the bids for the Public Works and the Town Hall are due on April 28, 2005, and that will be opened during the regular meeting on the 28<sup>th</sup> of this month.

Clerk-Treasurer – None

Staff - Mr. Kil stated that he has been in communication with Tim Kuiper regarding the brick ordinance and a public hearing is scheduled for June.

Public Comment – None.

**Adjournment** – Mr. Pearson motioned to adjourn the meeting. Seconded by Ms. Teibel. Motion unanimously passed. Meeting adjourned at 9:10 p.m.

Attest:

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Sherry P. Sury, Clerk-Treasurer