

ST. JOHN TOWN COUNCIL REGULAR MEETING
St. John Municipal Building Main Meeting Room
July 28, 2005

Mr. Fryzel called the meeting to order at 6:10 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 present were Police Chief Fred Frego; Bob Pharazyn, Public Works Director; Dan Szany, Carras-Szany-Kuhn & Associates; Ken Schneider, Lagestee-Mulder; and John Mainwaring, Code Enforcement Officer.

Approval of minutes of the June 9, 2005 Special Meeting, the June 16, 2005 Regular Meeting, and the June 23, 2005 Regular Meeting – Mr. Pearson motioned to approve the minutes of the June 9, 2005 Special Meeting, the June 16, 2005 Regular Meeting and the June 23, 2005 Regular Meeting. Seconded by Ms. Teibel. Motion unanimously passed.

Bid Opening – Municipal Complex Phase One (1) and Two (2) – (Bids were accepted until the 6:00 p.m. date and time so noted in the legal advertisements.) Mr. Austgen stated that the Proofs of Publication were in order and that the proceeding could commence. Ms. Sury announced that 33 contractors submitted 66 bids and the bids would be presented to Mr. Austgen for review in order of receipt for each category listed for Phases I and II.

(Exhibit A – attached consisting of 5 pages)

Ms. Teibel motioned to take the bids under advisement. Seconded by Mr. Barenie. Motion unanimously passed. (Anticipated date of award to be at a special meeting on August 4, 2005.)

Mr. Fryzel announced that there would be a 15-minute recess and the meeting would resume at 8:00 p.m. Meeting resumed at 8:05 p.m. and due to another commitment and with permission, Mr. Austgen did not return to the meeting.

Public Hearing

Ordinance #1396, Annexation Petition for Lotton Property – Mr. Michael Muenich introduced himself as the Special Counsel for the Town of St. John for the annexation procedure in the Southeast corner of St. John. An overview of the area to be annexed was provided and he stated that the Proofs of Publication were in order.

Mr. Volk asked if this petition is appropriate to accept with Ordinance #1294 in effect stating that annexations must come in as R1. Mr. Muenich stated that these parcels are under the jurisdiction of the Lake County Plan Commission; he added comments about Statute and the plans of the developer for the infrastructure. Mr. Volk also referenced the sign noticing the public hearing was not appropriate in size, did not have the meeting time and was not up ten days prior to the hearing. Discussed ensued. Mr. Muenich stated that the signage requirement was not applicable and that certified letters were sent to residents within the proposed annexation area.

Mr. Fryzel opened the floor for public comment.

Public Comment (Exhibit B – attached consisting of one page)

Ms. Debbie Husiman, 10179 Parrish - asked about traffic signals. Mr. Muenich stated that the standards that apply throughout the Town would apply to this parcel. She also asked about the dividing line for the school systems (St. John and Hanover Township School Districts). Mr. Fryzel stated that the Township line, 101st Avenue would not change.

Mr. Richard Mislán, 9780 Clarmonte Drive – inquired about the site plans. Mr. Fryzel stated that this would all be discussed at public hearings in front of the Plan Commission.

Mr. Randy Minyard, 7909 West 101st Avenue - asked if this annexation was pretty much a done deal. Mr. Fryzel stated that the property is being voluntarily annexed into the Town of St. John. Mr. Minyard stated that he is concerned about flooding of the retention pond behind his property. Mr. Muenich said that there is about 30 acres of retention system. This project has been run through the Lake County Drainage Board for purposes of stormwater control, upon annexation the property will be subject to the St. John Stormwater Control Ordinance, which is the dominion of the St. John Plan Commission.

Ms. Jackie Minyard, 7909 West 101st Avenue – stated that the developer called her about the retention pond behind her home for the water control. Mr. Kil responded that he sent a letter on her behalf to Ben Eldridge of V-3 Engineering addressing this matter. Mr. Lotton then advised Mr. Kil that because of her concerns he instructed the engineering firm to construct a retention basin behind her home to take the pool of water. She asked for this in writing and Mr. Kil stated that this is on record.

She also inquired about the different zoning between the county and the town. Discussion ensued. Mr. Muenich stated that the zoning is part of the annexation process and explained the classifications. Mr. Volk explained the purpose of the zoning ordinance passed by the previous council. Ms. Minyard stated her concern with the town homes being built by her home. Discussion ensued and Mr. Fryzel referenced the infrastructure to be provided by the developer. She stated that she prefers single-family homes, not town homes and Mr. Fryzel agreed.

Mr. Dale Huseman, 10179 Parrish – questioned the process for a non-voluntary annexation. Discussion ensued and reference was directed to the public hearing tonight and the public hearing to be held in October.

Ms. Catherine Stinson, 8330 West 109th Avenue - asked when and where the construction would begin. Mr. Muenich stated that this would be up to the developer; and stated the need for the extension of the utilities that had to be considered. The 10 year build out time frame was referenced

An unidentified member of the audience asked if Cline Avenue would be extended. Mr. Muenich stated that it is not part of the annexation. Mr. Kil stated that there is a ditch in the path that is preventing Cline Avenue from being straightened out.

Ms. Theresa Perusich, 8205 West 101st Avenue – inquired about the water and sewer extension in relation to her area and the alternative if she did not want water and sewer. Mr. Muenich stated that there is State Statute that may require her to hook up if she is within 300 feet of a sanitary sewer for health reasons. There is no similar requirement for water.

Someone asked how many people voluntarily agreed to the annexation and Mr. Muenich stated that somewhere in the vicinity of 6 – 8 property owners.

Mr. Vic Guthrie, 8725 West 101st Avenue - inquired about the school system division. Mr. Kil stated that it is not 101st as you drive, it will be 101st as it will be extended. Mr. Muenich stated that the annexation would not change the school boundaries. Mr. Guthrie asked about fire protection. Mr. Fryzel stated that the developer agreed to put in a Fire Department substation and that they would have St. John Police coverage not County. St. John would provide all services for the residents.

Mr. Thomas Allen, 9884 Parrish - asked if the 100 acres of green space included the retention ponds and if there would be parks. Mr. Muenich referenced a color map and stated that there will be a park and it will be under the jurisdiction of the Park Department. Mr. Allen stated that he would like a park in the North part of the development; preferably Pod #15.

Mr. Russ Martin, 10510 Parrish - asked if there would be low-income housing. Mr. Fryzel said that there would not be and there will be restrictive covenants.

An unidentified member of the audience from Claremont Ridge stated that there is property that was given to St. John to be used as a park in 1990 that was never developed. Mr. Kil stated that property was needed to line up Claremont Drive and Parrish; the engineers need to draw up the design.

Ms. Huseman asked about the impact on her property taxes from this annexation. Mr. Fryzel stated that her home is not part of the new development and they will not be paying for the infrastructure associated with the development.

Mr. Kil stated that there is a concern regarding taxation as agriculture vs. the corporate tax rate. Mr. Muenich stated that there is a provision in Statute 36.403.4.1, does not know if its applicable because there is certain criteria and it is not applicable to the voluntarily annexation being discussed tonight.

Ms. Huseman asked if the development would be surrounded by a privacy fence and stated that she already has problems with ATV's and snowmobiles being driven on her farm property. Discussion ensued.

Mr. Fryzel closed the floor for public comment.

Mr. Pearson motioned to consider Ordinance #1396 on first reading only. Seconded by Mr. Barenie. Motion passed with three ayes, one nay by Mr. Volk and one abstention by Ms. Teibel.

New Business

Introduction of Annexation Ordinance #1398 and authorization of a public hearing regarding the annexation of certain additional real property located southeast of the Town of St. John – Mr. Pearson motioned to authorize a public hearing on October 20, 2005. Seconded by Mr. Barenie. Motion passed with three ayes, one nay by Mr. Volk, and one abstention by Ms. Teibel.

Water Reimbursement Agreement for DeYoung Interiors, LLC – Mr. Kil asked that this item be deferred to the first meeting in August, he is still waiting for confirmation from the Town Engineer related to the service area. Ms. Teibel motioned to defer item. Seconded by Mr. Pearson. Motion unanimously passed.

Resolution #05-07-28, a resolution declaring un-collectible accounts as “bad debt” for the first half of 2005 – Ms. Teibel motioned to adopt Resolution #05-07-28. Seconded by Mr. Barenie. Motion unanimously passed.

Ordinance #1399, amending Master Traffic Ordinance #511 – Mr. Kil stated that he and Chief Frego have been in contact with a resident that has a severely handicapped child; the resident requested a sign be erected. Mr. Pearson motioned to consider Ordinance #1399 on first reading. Seconded by Ms. Teibel. Motion unanimously passed.

Mr. Barenie motioned to adopt Ordinance #1399. Seconded by Ms. Teibel. Motion unanimously passed.

Reports & Correspondence

Town Council – None

Clerk-Treasurer – None

Staff – Mr. Kil referenced a letter he received from the Town Engineer, Pete Faberbock that recommended the 2005 road project be awarded to Rieth Riley in the amount of \$130,000.01 for the 93rd and Calumet Avenue project. Ms. Teibel motioned to amend the agenda with Item F and to award Rieth Riley the road project in the amount of \$130,000.01. Seconded by Mr. Pearson. Motion unanimously passed.

Mr. Fryzel stated that when the council awards road projects they must be completed by June so the roads can cure over the hot summer and requested a written response from Robinson Engineering explaining why this did not happen this time.

Payment of the Bills for the Corporation – Ms. Teibel motioned to pay vouchers #8149 - #8383 in the amount of \$1,428,890.27. Seconded by Mr. Pearson. Motion unanimously passed.

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:

Sherry P. Sury, Clerk-Treasurer