

ST. JOHN TOWN COUNCIL REGULAR MEETING
St. John Municipal Building Main Meeting Room
October 20, 2005

Mr. Fryzel called the meeting to order at 7:01 p.m. and led the Pledge of Allegiance. Roll call was taken with the following members present: Michael Fryzel, President; Jerri Teibel, Vice-President; Charles Pearson, Member; David Austgen, Attorney; Steve Kil, Town Manager and Sherry Sury, Clerk-Treasurer. Also present were Police Chief Fred Frego and John Mainwaring, Code Enforcement Officer. Absent: Council members Gregory Volk and Mark Barenie.

Public Hearing – Exhibit A

Consider Confirmatory Resolution #05-10-20, related to a request for tax abatement, by Welch Partners, LLC (Lot 19, 9585 N. Industrial Drive) – Mr. Austgen confirmed proof of publication on October 4, 2005, in **The Times** and October 4, 2005, in the **Post Tribune** and stated that the green card return receipts have been received from the governmental entities directly involved.

Mr. Kil stated that this is for a term of five years as authorized by the Town Council.

Town Council – None

Public Comment – None

Ms. Teibel motioned to adopt Resolution #05-10-20. Seconded by Mr. Pearson. Motion unanimously passed.

Consider Confirmatory Resolution #05-10-20A, related to a request for tax abatement, by SB Properties, Inc. (Lot 18, 9565 N. Industrial Drive) – Mr. Austgen verified proofs of publication in **The Times** and the **Post Tribune** on October 4, 2005, and stated that the green card return receipts of the notices are in evidence.

Mr. Kil stated that this resolution is in effect for a term of five years as authorized by the Town Council.

Public Comment – Mr. Bates stated that the name of the company for SB Properties needed to be identified as LTD. rather than Inc.

Ms. Teibel motioned to adopt Resolution #05-10-20A a request for tax abatement by SB Properties, LTD. Seconded by Mr. Pearson. Motion unanimously passed.

Ordinance #1398, an ordinance annexing certain real property to the Town of St. John (Lotton Addition) – Mr. Muenich stated that the notice of the meeting has been filed with the Clerk-Treasurers' office and that the proofs of publication have been previously reviewed and are in conformance with the Statutes. He filed with the Clerk-Treasurers' office the consent of various property owners within the parcel. The project encompasses geographically from Parrish Avenue east to Cline Avenue south to a point approximately 200 feet south of 231st Street and north to 101st Street. Portions of this have already been voluntarily processed. He recommended the following language be amended to the ordinance for its final adoption: the portions of the annexed property that

are identified above as open space are pursuant to the zoning code of the Town of St. John classified for zoning purposes as agricultural (per annexation papers as agricultural property is defined). Such property shall remain exempt from property tax liability for municipal purposes pursuant to Indiana Code 36-4-3-4.1(b), so long as such property remain classified as OS Open Space or otherwise classified as agricultural. The respective property owner may claim the exemption by filing a certified deduction application on forms prescribed by the Department of Local Governmental Finance with the auditor of the county in which the property is located before May 10 of the year in which the exemption is sought. Such an exemption is not effected by a change in the ownership of the property as a) property zoning classification remains agricultural and b) the new owner files a valid application with the auditor as provided above. Pursuant to request our office provided the forms, applications and documentation to Mr. Kil's office for any of the affected property owners within that area that are agricultural so filed to those applications. The remainder of the property is to be zoned R1 and with one parcel in the southwest corner of Cline Avenue and 231 be zoned as commercial B2. All in accordance with publications and maps that have been previously filed with the respective publications.

Mr. Kil stated that as directed by the Town Council Mr. Muenich prepared a memorandum and supplied him with filing instructions as well as the applications for the property tax exemption. Mr. Kil represented to the attorney for the Niemeyer family that this would not be a problem as this was an issue with the affected property owners.

Mr. Muenich stated that the final ordinance adoption completing the annexation cannot be adopted for before thirty days or more than sixty days after tonight's public hearing. After publication there is a ninety-day remonstrance period before the ordinance can be recorded. He stated that the applications for the property tax exemption should be filed sometime between March and April of 2006.

Public Comment – None

Mr. Pearson motioned to consider Ordinance #1398 on first reading with the noted changes and corrections. Seconded by Ms. Teibel. Motion unanimously passed.

New Business

St. John Township Trustee presentation – Ms. Mary Tanis from the St. John Township office presented a brief overview of the assistance they provide to the needy residents of the Township. She mentioned that they have a hall available for rental, a sign in front of the hall for the advertising of events, and would like to advertise their assistance programs in our Park brochure.

Introduction of Ordinance #1403, an ordinance annexing certain real property to the Town of St. John (Silver Leaf), authorize a public hearing, and introduce Fiscal Plan – Mr. Pearson motioned to consider Ordinance #1403 on first reading and to authorize a public hearing for November 17, 2005. Seconded by Ms. Teibel. Motion unanimously passed.

Resolution #05-10-20B, providing for the transfer of appropriations for various funds – Ms. Teibel motioned to adopt Resolution #05-10-20B. Seconded by Mr. Pearson. Motion unanimously passed.

Reduction of Letter of Credit for Wellington Estates – Unit 1 – Mr. Pearson motioned to reduce the Letter of Credit to the amount of \$96,246.70. **Seconded by Ms. Teibel. Motion unanimously passed.**

Reports & Correspondence

Town Council – Ms. Teibel stated she met with Tina Fletcher, the Town's system analyst and computer network administrator. Ms. Fletcher is in the process of providing FEMA with current maps showing the changes in the flood plains in town. FEMA has not done a flood plain study since 1982 and many areas are still shown as in a flood plain when they are not due to changes in the infrastructure, sewer installation and retention ponds. She recommends that the town encourage FEMA to do another study and therefore save the residents money in their flood insurance.

Clerk-Treasurer – Ms. Sury stated that two grants were received each for \$2,000 from Target. The funds will be used by the Park Department for a program related to the arts and by the Police for family violence. She also stated that Target advised that applications should be submitted the beginning of January as it is anticipated that more grants would be available and awarded in higher increments as the Target store just opened.

Staff - None

Public Comment – Ms. Theresa Perusich, 8205 W 101st Avenue – inquired of the Council when the public hearing would begin regarding the proposed annexation. She referenced her certified letter she received of the hearing to begin at 7:30 p.m. A ten-minute recess was called after confirmation that her notice had a public hearing time of 7:30 p.m.; it was announced that Mr. Muenich needed to be immediately contacted.

Mr. Austgen stated that the public meeting did not adjourn, a motion was needed to withdraw and rescind item C above, address Ordinance #1398 and commence with the public hearing. **Ms. Teibel motioned to reinstate the proceedings on Item C of the agenda. Seconded by Mr. Pearson. Motion unanimously passed.**

Public Hearing – Exhibit A

Reinitiation of Item C - Ordinance #1398, an ordinance annexing certain real property to the Town of St. John (Lotton Addition) – Mr. Muenich stated that the filed Proofs of Publication did advertise notice for 7:30 p.m. rather than 7:00 p.m. His understanding from his conversations with Mr. Kil, that the annexation ordinance is to be amended for purposes of open space parcels as follows: Portions of the annexed tract that are identified above and known as open space are pursuant to the zoning code of the Town of St. John classified for zoning purposes as agricultural (which the ordinance so provides). Such properties remain exempt from property tax liability for municipal purposes pursuant to Indiana Code 36-4-3-4.1(b) so long as such properties remain classified as OS Open Space or otherwise classified as agricultural. The respective property owner may claim the exemption by filing a certified deduction application on the forms prescribed by the Department of Local Governmental Finance from the auditor of the county in which the property is located before May 10 of the year of which the exemption is sought. Such exemption is not effected by a change in the ownership of

the property as a) the property zoning classification remains agricultural and b) the new owner files a valid application to the auditor as provided above. He also stated the window for this annexation process requires that the Town Council adopt not sooner than thirty days from the night of this public hearing or more than sixty days from the day of this public hearing an ordinance annexing the property. The Town must then file and publish the ordinance with a 90-day remonstrance period, which runs thereafter. Tentatively the earliest the ordinance can be recorded is March or early April of 2006. Any party within the parcel that are identified as open space may file the agricultural exemption on or before May 10 as provided by the Statute to exempt that parcel from municipal taxation, not all taxation, for year 2006 – 2007. The remaining parcels are zoned as R1 consist with their current use and application with the exception of the southwest corner of the intersection of 231 and Cline Avenue.

Public Comment

Mr. Donald Barman, 7910 W. 109th Avenue, Crown Point – asked for clarification of the annexation map, the open spaces and for clarification of the legal description on the corner of the proposed annexed area. Discussion ensued.

Ms. Theresa Perusich, 8205 West 101st Avenue, St. John – asked if there is anyway they cannot be annexed. Mr. Muenich explained the annexation process and the remonstrance period.

Ms. Mary Ellen Niemeyer, 11115 Parrish Avenue, Cedar Lake – asked why the Town wanted 12 acres and if she could sell her property if she wants to re-zone or build on it? Discussion ensued.

Ms. Theresa Perusich – explained that she has a well and wanted to know if she had to connect to Town water. Mr. Kil explained the utility districts and stated that she did not, however, if her septic tank failed, she would have to connect to the Town's sanitary sewers. He explained to the residents the services they would receive including garbage pickup once the annexation was completed.

Mr. Donald Barman, 7910 W. 109th Avenue, Crown Point – asked if they file the exemption will he still receive town services and Mr. Fryzel answered yes.

Mr. Herbert Kleine, 11311 Parrish Avenue, Cedar Lake – stated that he was not notified of the intended annexation, he did not receive a letter. Mr. Muenich was provided with the affidavit of mailing from the Clerk-Treasurer and it was confirmed that his letter was returned to the post office as refused. Mr. Muenich further stated that if the property is in a trust the letter went to the trust.

Ms. Crystal Maul, 11115 Parish Avenue, Cedar Lake - asked about the ambulance service. Mr. Fryzel stated that St. John is just over \$600; Lake Hills is free and also mentioned there would be a fire substation in the Lotton Property area with an ambulance.

Unidentifiable resident asked if they would be notified when they are part of St. John. Mr. Fryzel stated that a letter would be sent when the property owners can file for the exemption, when the annexation is complete, and they are part of St. John.

Public Comment closed to the floor.

Mr. Pearson motioned to consider Ordinance #1398 of first reading with noted changes and corrections of which he is instructing Mr. Muenich to correct. Seconded by Ms. Teibel. Motion unanimously passed.

Adjournment – Mr. Pearson motioned to adjourn the meeting. Seconded by Ms. Teibel. Motion unanimously passed. Meeting adjourned at 7:58 p.m.

Attest:

Sherry P. Sury, Clerk-Treasurer