

ST. JOHN TOWN COUNCIL REGULAR MEETING
St. John Municipal Building Main Meeting Room
October 27, 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; Gregory Volk, Member; Charles Pearson, Member; Mark Barenie, Member; David Austgen, Attorney; Steve Kil, Town Manager and Sherry Sury, Clerk-Treasurer. Absent was Jerri Teibel, Vice-President.

Approval of the minutes for the September 15th and September 22, 2005 Regular Meetings – Mr. Pearson motioned to accept the September 15, 2005 and the September 22, 2005 Regular Meeting minutes. Seconded by Mr. Barenie. Motion unanimously passed.

Public Hearing – Exhibit A

Resolution # 05-10-27, a resolution authorizing additional appropriations for the Budget Year – Mr. Austgen stated that the record should reflect publisher's affidavit from the **Post Tribune** indicating publication one time on October 13th and publisher's affidavit from **The Times** indicating publication one time on October 14th.

Ms. Sury provided a summary of why the additional appropriations were needed: garbage pickup and legal expenses, impact of the gas price increases, fire department payroll, supplies, and related expenses for the EMS.

Town Council Comment – None

Public Comment – None

Mr. Pearson motioned to adopt Resolution #05-10-27 authorizing the additional appropriations for the current budget year. Seconded by Mr. Barenie. Motion unanimously passed.

New Business

Consider approval of "Variance of Use for Outside Storage" – Petitioner: Andy Balzer of Paul Hemmer Company (favorable recommendation from Board of Zoning Appeals) – Mr. Volk asked if a small fence was required for the sales on the front sidewalk. Discussion ensued. Mr. Kil stated that the BZA approved the sales on the entire sidewalk area. Mr. Jim Wieser, attorney for Paul Hemmer Company, stated that the conversation was accurate and correct. He wanted to point out for purposes of clarification was that the findings of fact that they received point #8, do not accurately reflect what Mr. Kil said and Mr. Volk inquired about. It says that outside storage will only be allowed on that portion of the sidewalk adjacent to the storage area, when he went back through the minutes and the actual motion approved by the BZA it says exactly when Mr. Kil said that the variance for outside storage will extend to the adjacent sidewalk of the building and outside area only. Mr. Wieser referenced the fence that will go around the exterior area will be masonry and wrought iron on the west and south side and wrought iron on the east side. **Mr. Pearson motioned to grant the variance of use and incorporate the findings of fact and contingencies from the Board Zoning**

Appeals and to include the limitation of outside sales to the entire sidewalk area. Seconded by Mr. Barenie. Motion unanimously passed. Mr. Austgen suggested that for clarity of the record for the Board of Zoning Appeals and the Building and Planning Department, that an excerpt of the minutes of this meeting be directed to be included in the file of this application at the BZA and in the Building and Planning Department for time of issuance of permits and clarity for any enforcement or inspection activities.

Consider “lease agreement” with Leaf Financial Corporation for telephone equipment – Mr. Kil stated that they have been actively engaged in securing telephone systems and similar equipment for use in the new buildings under construction as well as for the Public Safety Building. They are requesting to lease the equipment rather than purchase it because technology changes so quickly. He would like the Town Council to authorize the telephone system and the electronics to be purchased through the lease agreement and be done as part of the projects themselves. Mr. Kil stated that this would include the wiring, cabling, fiber optics, etc. This is a five-year agreement that will cost \$41,000 per year. Discussion ensued.

Mr. Austgen stated this would be part of a general bid but was an item of the various projects that evolved over the time period of the evaluation of the various structures, scopes of projects, and size of buildings. Part of the customization in these specifications has to do with partial inclusion of existing facilities, and trying to retrofit the existing facilities with new and current or up to date technology in the manner Mr. Kil talked about. The IT person, Ms. Fletcher, has been working on this continuously.

He stated that he asked Mr. Kil to provide him with that data for an evaluation of whether a public bid would be required or not. And he has the binder containing the information of her ongoing work of the detailing, change outs, and tune-ups, if you will, to the various items of equipment and processes dating back to February of this year. He insisted that Mr. Kil provided that documentation to him in evaluating the legal requirements and procedures here. It occurred to him as a consequence of that review, that this was a significantly customized ongoing project; in fact, it is still breathing and evolving in some fashion because you have a facility that will have significant communications factor, the Public Safety Building, when ultimately constructed next year. That is what part of this is about. His recommendation is that the request of Mr. Kil pertaining to the change order being made be honored subject to any reasonableness that the Town Council thinks is necessary based upon that. Additionally the financing appears to be a spread out financing and given that the financing for the Public Safety Building is not complete that is partial basis for asking to spread it out. We do not know when the building will be completed, sometime next year, or the end of next year. But, the point is, we cannot put a date certain on it and the funding for that building when those components are not yet final. This locks in the warranty and service for the equipment. Those are the justifications for the request being made and the legalities of it. Mr. Kil stated that this would secure the equipment. Mr. Fryzel stated that he knows Ms. Fletcher did a lot of work on this and this is the final, the best recommendation for the Town. Discussion ensued. **Mr. Barenie motioned to approve the lease agreement as presented and to authorize the Town Council President to execute same with the change order as well. Seconded by Mr. Pearson. Motion unanimously passed.**

Reports & Correspondence

Town Council – Mr. Fryzel stated that the Town Council meeting is rescheduled to Tuesday, November 22 due to the holiday. The special year-end meeting will take place Thursday, December 29 and the regular scheduled meeting for Thursday, December 15 and Thursday, December 22 will stay as they are. He mentioned that the Clerk's office would be closed on Friday, December 30.

Clerk-Treasurer – None

Staff – None

Payment of Bills for the Corporation – Discussion ensued. **Mr. Pearson motioned to approve the docket for APV's #8827 – #9113 in the amount of \$1,534,432.57. Seconded by Mr. Barenie. Motion unanimously passed.**

Public Comment

Tim O'Connor, 9063 Knickerbocker Street – addressed the Town Council regarding the parking enforcement of a trailer on his block that is in violation of the ordinance. The problem went away for three weeks and has returned. Discussion ensued. Mr. O'Connor is concerned about children getting hurt and also when the trailer is being backed up it gouges the street. Mr. Fryzel stated they would have the police check the location late at night. Discussion ensued regarding the parking of the trailer on the public street and on private property. He asked Mr. Austgen to check into what recourse the town has regarding towing and tickets.

Adjournment – **Mr. Pearson motioned to adjourn the meeting. Seconded by Mr. Barenie. Motion unanimously passed.** Meeting adjourned at 7:30 p.m.

Attest:

Sherry P. Sury, Clerk-Treasurer