

ST. JOHN TOWN COUNCIL REGULAR MEETING
St. John Municipal Building Main Meeting Room
December 15, 2005

Mr. Fryzel called the meeting to order at 7:02 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 and John Mainwaring, Code Enforcement Officer.

Old Business

Ordinance #1398, an ordinance annexing certain real property to the Town of St. John – Mr. Barenie motioned to adopt Ordinance #1398. Seconded by Mr. Pearson. Motion passed with 3 yeas, one nay by Mr. Volk and one abstention by Ms. Teibel.

Ordinance #1405, the 2006 Salary Ordinance – Ms. Teibel motioned to adopt Ordinance #1405. Seconded by Mr. Pearson. Motion passed with 3 yeas, one abstention by Mr. Fryzel and one nay by Mr. Volk.

New Business

Consideration of request for Special Exception – Petitioner: Crown Point Christian School (favorable recommendation from the Board of Zoning Appeals) – Mr. Barenie motioned to grant the request for special exception and incorporate the findings of fact from the Board of Zoning Appeals. Seconded by Mr. Pearson. Motion passed with three yeas, one nay by Mr. Volk and one abstention by Ms. Teibel.

Consideration of request for Variance of Use – Petitioner: St. John Evangelist Church (favorable recommendation from the Board of Zoning Appeals) – Father Maletta explained the functions of the youth activity center. Discussion ensued regarding the restrictions placed by the BZA. Ms. Teibel motioned to grant the variance of use with the restrictions of: 1) that if the property is ever sold by the church it will go back to the original zoning, 2) there will be no sign present at this time pending further investigation, and 3) the Fire Department does a maximum establishment check. Seconded by Mr. Barenie. Motion unanimously passed. Mr. Austgen suggested that the Council ask Mr. Kil to compose a letter and attach a copy of the excerpt of the meeting minutes for the record of the proceeding of the application made by the church and it be sent to Attorney Place and Father Maletta and a copy be attached to the minutes.

Wellington Estates – Unit 1, release of Letter of Credit and approval of Subdivision Warranty (favorable recommendation from Plan Commission) – Mr. Pearson motioned to release the letter of credit, approve the warranty in the amount of \$105,000 and authorize the Town Council President to execute same. Seconded by Mr. Barenie. Motion unanimously passed.

Approval of donation to the Pop Warner Tri-Town Raiders Football League – Mr. Barenie motioned to authorize the donation in the amount of \$500 to the Tri-Town

Raiders Football program. Seconded by Mr. Pearson. Motion unanimously passed.

Consider approval of certain Utility Reimbursement Agreements for Wellington Estates (previously authorized by the Utility District) – Mr. Fryzel stated that Wellington would like a recapture agreement due to the town requirement to upsize the sewer and water lines from the 8” to the proposed 18”. The recapture amount was \$237,000, the engineer reviewed the figures and Mr. Muenich was sent a letter to re-do his figures. The recapture amount should be the difference between the cost of the upsizing from the 8” to the 18” lines. **Ms. Teibel motioned to table until the next meeting. Seconded by Mr. Pearson. Motion unanimously passed.** Item tabled until meeting on December 29th.

Consider approval of Encroachment Agreement with AT & T Corporation related to the Bicycle/Pedestrian Trail Project – Ms. Teibel motioned to approve the Encroachment Agreement with AT&T and authorize the Town President to execute same. **Seconded by Mr. Pearson. Motion unanimously passed.** Discussion ensued regarding the length of time it is taking to build the bike trail, about 6 to 8 years. Mr. Kil stated that the Federal Highway Administration had a problem with the license agreement for two facilities, NIPSCO and ANR. They are now going to require potential easements instead of the license agreements. The main issue at present is the difficulty in securing the easements. Mr. Augsten stated that he was notified of this on November 3, 2005, the licenses would be returned and explained the process before the letting period.

Consider Ordinance #1406, an ordinance re-zoning certain real property and amending the Master Zoning Map of the Town of St. John for the Gates of St. John – Unit 11 and Unit 12 – rezone from R-2 Residential to Residential P.U.D. (favorable recommendation from Plan Commission) – **Mr. Pearson motioned to adopt Ordinance #1406 incorporating the findings of fact from the Plan Commission. Seconded by Mr. Barenie. Motion passed: three yeas, one nay by Mr. Volk and one abstention by Ms. Teibel.**

Consider Ordinance #1407, an ordinance re-zoning certain real property and amending the Master Zoning Map of the Town of St. John for the Gates of St. John – Unit 5, Unit 7A, Unit 8 and Unit 15 – rezone from R-2 Residential to Residential P.U.D. (favorable recommendation from Plan Commission) – **Mr. Pearson motioned to adopt Ordinance #1407 incorporating the findings of fact from the Plan Commission. Seconded by Mr. Barenie. Motion passed with three yeas, one nay by Mr. Volk and one abstention by Ms. Teibel.**

Mr. Richard Mislán, 9780 Clarmonite Ridge - asked if anyone has received any restrictions or covenants for the Gates of St. John. Mr. Kil stated that it is part of the annexation agreement. Mr. Mislán stated that he received a letter from the Corp of Engineers regarding the ponds, which will be filled in. He asked if the retention ponds would have water in them at all times and the depth. Mr. Kil stated that they asked for wet ponds with fountains in them, which are typically much nicer and easier to maintain. The project engineer, Ben Eldridge, stated they would be an average of 10 feet deep. Mr. Mislán asked if a piece of land that he was discussing with him was part of this rezoning. Mr. Kil stated that it was removed from the petition and referenced the last Plan Commission Meeting. Discussion ensued.

Consider Letter of Credit for Hemmer Development (St. John Square) in the amount of \$126,390.00 (favorable recommendation from Plan Commission) – Mr. Fryzel stated that this item is deferred to the meeting on December 29th at the request of Hemmer Development.

Reports & Correspondence

Town Council – Ms. Teibel inquired about the complaints regarding the intersection of 93rd and U.S. 41. Mr. Fryzel stated that the intersection does not belong to the Town of St. John. The Town has sent letters to the State requesting that the intersection be fixed. This project has been on the State's list for 4-5 years and keeps getting pushed back. The Governor has put a stop on that department until it can be re-evaluated. He stated that the Town would continue to pursue this matter. The town has put a no left turn on Patterson to alleviate traffic backing up.

Mr. Fryzel asked Mr. Austgen if he spoke to the County regarding the traffic tickets. Mr. Austgen stated that he has not done that yet; he has a draft ordinance for the cost of the tickets. Due to pending litigation matters he was unable to review the ordinance and bring to the meeting. He stated that it could be an agenda item for the meeting next week.

Mr. Fryzel mentioned a large real estate sign on 93rd Street (the Velligan Farm) that is in violation and asked Mr. Mainwaring to handle. They have been cited and should receive a ticket every day the sign is up.

Ms. Teibel stated that she has received several e-mails complimenting Christmas in the Park and reminded everyone this is the last weekend to see Santa. The lights will stay on through the holidays. Ms. Teibel was complimented for decorating the meeting room.

Mr. Fryzel mentioned 9231 Wicker Avenue, the old Fagen building. He stated that the son was going to fix the building. It has been three years and he asked Mr. Austgen to take steps to force them to fix the building. Mr. Fryzel requested an inspection of the building be made.

Clerk-Treasurer – None

Staff – None.

Public Comment – None

Adjournment – Mr. Pearson motioned to adjourn the meeting. Seconded by Ms. Teibel. Motion unanimously passed. Meeting adjourned at 7:35 p.m.

Attest:

Sherry P. Sury, Clerk-Treasurer