

ST. JOHN TOWN COUNCIL REGULAR MEETING
ST. JOHN MUNICIPAL BUILDING MAIN MEETING ROOM
March 16, 2006

Mr. Fryzel called the meeting to order at 7:02 p.m. Roll call was taken with the following members present: Michael Fryzel, President; Jerri Teibel, Vice-President; Gregory Volk, Member; Charles Pearson, Member; David Austgen, Attorney; Steve Kil, Town Manager and Sherry Sury, Clerk-Treasurer. Also present were Police Chief Fred Frego; Fire Chief Fred Willman, Bob Pharazyn, Public Works Director; and John Mainwaring, Code Enforcement Officer; Ken Schneider, Lagestee-Mulder; and Daniel Szany, Architect. Absent was Mark Barenie, Member.

Old Business – None

Public Hearing

Application of the Town of St. John for Year 2006 for Community Development Block Grant Project – Mr. Austgen stated that there has been timely publication of the notice in each the **Times** and **Post Tribune**. Mr. Kil read the Opening Remarks for the CDBG Hearing.

OPENING REMARKS FOR CDBG PUBLIC HEARING

Each spring, the Lake County Community Economic Development Department applies to the U.S. Department of Housing and Urban Development (HUD) for new funding through the Community Development Block Grant program (CDBG).

One of the application requirements is to hold public hearings in the communities where CDBG funding is allocated in order to obtain input from the local citizens on the proposed use(s) of the new funding. For FY2006, the Town of St. John CDBG allocation is \$29,050.00.

The most common use of CDBG funds is for infrastructure, including street reconstruction, sanitary sewers, water line extensions, storm drainage improvements, sidewalks, and projects to remove architectural barriers (handicapped access), such as curb cuts and wheel chair ramps. CDBG funds may also be used to eliminate slums and blight through demolition of unsafe buildings or other clearance activities.

CDBG funded infrastructure projects may only be done in areas where the neighborhood is as least 51% low/moderate income according to HUD guidelines. In most cases, an income survey must be done to qualify the area for funding eligibility. The income information taken by the survey is strictly confidential, and is used solely for the purpose of determining the area's eligibility for CDBG funding.

Handicapped access projects and demolition may be done anywhere in a community, without the need for area income determinations.

The public hearing is just the start of the application process for Lake County. There are a series of legal advertisements and comment periods that take place during the summer, prior to final grant approval from HUD in late August. New CDBG funding is released to the County and its entitlement communities on or around **September 1st, and needs to be expended by June 17th** of the following year.

After public comment tonight, three documents need to be read and adopted: the Affirmative Action Program, Section 3 Understanding, and a Resolution authorizing the Town Executive to submit a project proposal for CDBG funding.

Finally Project Applications, and supporting documentation, need to be submitted no later than April 1st for review by Lake County.

The floor is open for comments.

Public Comment

Ms. Margo Sabato, Director of South Lake County Community Services – provided an overview of the agency that provides the public transportation for the Town of St. John and St. John Township. She thanked the council for last year's donation of \$4,000 and asked for their consideration for the same amount this year.

Floor closed to public comment

Mr. Kil requested that Section 3 Understanding, the Affirmative Action Program Implementing Section 3, the Citizen Participation Plan and the Resolution for consideration be incorporated into the minutes.

AFFIRMATIVE ACTION PROGRAM IMPLEMENTING SECTION 3 OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968

SPECIFIC AFFIRMATIVE ACTION STEPS

TOWN OF ST. JOHN agrees to implement the following specific affirmative action steps directed at increasing the utilization of lower income residents and project area businesses.

- A. To ascertain from the HUD Area Office, Director the exact boundaries of the Section 3 covered project area and where advantageous, seek the assistance of local officials of the department in preparing and implementing the affirmative action plan.
- B. To attempt to recruit from the appropriate areas the necessary number of lower income residents through: local advertising media, signs placed at the proposed site for the project, and community organizations and public or private institutions operating within or serving the project area such as Service Employment and Redevelopment (SER), Opportunities Industrialization Center (OIC), Urban League, Concentrated Employment Program, Hometown Plan or the U.S. Employment Service.

- C. To maintain a list of all lower income area residents who have applied either on their own or on referral from any source and to employ such persons, if otherwise eligible and if a vacancy exists.
- D. To insert this affirmative action plan in all bid documents, and to require all bidders to submit a Section 3 affirmative action plan including utilization goals and the specific steps planned to accomplish the goals.
- E. To insure that contracts which are typically let on a negotiated rather than a bid basis in areas other than Section 3 covered project area, are also let on a negotiated basis, where ever feasible when let in a Section 3 covered project area.
- F. To formally contact unions, subcontractors and trade associations, to secure their cooperation for this program.
- G. To insure that all appropriate project area business concerns are notified of pending contractual opportunities.
- H. To maintain records including copies of correspondence, memoranda, etc., which document that all of the above affirmative action steps have been taken.
- I. To appoint or recruit an executive official of the company or agency as Equal Opportunity Officer to coordinate the implementation of this Section 3 affirmative action plan.

Signature

TOWN COUNCIL PRESIDENT

Title

**LAKE COUNTY, INDIANA
Section 3 Understanding**

The U.S. Department of Housing and Urban Development (HUD) issued regulations that provide the directive to creative job opportunities for low income persons when HUD funds are expended on a construction project. These regulations are known as Section 3 policy. The purpose of the Section 3 policy is to ensure that the employment and other economic opportunities generated by Federal financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed toward low and very low income persons.

Section 3 covered projects are construction, reconstruction, conversion, or rehabilitation of housing, including reduction and abatement of lead based paint hazards, or other public construction which includes building and improvements assisted with HUD housing and community development assistance. Section 3 covered contracts do not

include contracts for purchase of supplies and materials. However, whenever a contract for materials includes the installation of the materials, the contract constitutes a Section 3 covered contract.

Fund recipients and contractors must show compliance with the numerical goals set forth by the regulations. The numerical goals for new hires apply only to the number of new hires generated because of the financial assistance of the HUD programs. The numerical goals are not absolute numerical requirements. They are goals that each recipient and contractor should try to reach. The goals, if not met, do not trigger sanctions against the recipient or contractor. However, if challenged on the issue of compliance with Section 3, the recipient or contractor should be ready to demonstrate that they tried to reach these goals. The goals are as follows:

- 30% of all covered new hires for the year beginning FY 2006

In addition, recipients and contractors are required to show compliance with the goal that at least 10% of any building trade activity, which is subcontracted, and 3% of non-building trade activity (construction management, etc.), is awarded to eligible Section 3 business concerns.

Further information regarding these requirements may be found in the Federal Regulations at 24 CFR 135 and the Lake County Section 3 Plan.

I certify and I have read the information above and understand the Section 3 requirements and numerical goals.

Name: _____

Title: _____

Date: _____

CITIZEN PARTICIPATION PLAN

The following is a detailed citizen participation plan which:

1. Provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted area and of areas in which funds are proposed to be used, and provides participation of residents in low and moderate income neighborhoods as defined by the local jurisdiction;

2. Provides citizens with reasonable and timely access to local meetings, information, and records relating to the grantee's proposed use of funds, as required by the regulations of the Secretary, and relation to the actual use of funds under the Act;
3. Provides for technical assistance to groups representative of persons of low and moderate income that request such assistance to be determined by the grantee;
4. Provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped;
5. Provides for a timely written answer to written complaints and grievances, within fifteen (15) working days where practicable; and
6. Identifies how the needs of non-English speaking residents will be the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate.

RESOLUTION NUMBER #06-03-16

**A RESOLUTION AUTHORIZING AND DIRECTING
THE TOWN COUNCIL PRESIDENT OF THE TOWN OF ST. JOHN TO
SUBMIT A PROJECT PROPOSAL FOR COMMUNITY DEVELOPMENT
BLOCK GRANT FUNDS FOR FEDERAL FISCAL YEAR 2005**

WHEREAS, under the provisions of Title 1 of the Housing and Community Development Act of 1974, as amended to date, Lake County, Indiana is authorized to provide financial assistance to units of general local government for undertaking and carrying out Community Development activities; and

WHEREAS, it is provided in such Act that the unit of general local government shall provide satisfactory assurance prior to submission of its Application, that it has held one public hearing to obtain the views of citizens on Community Development needs; and

WHEREAS, the Town of St. John is proposing a project for assistance under the Housing and Community Development Act of 1974, as amended to date, and to proposes to undertake and make available a total project cost of Twenty-Nine Thousand Four Hundred Thirty dollars (\$29, 050.00); and

WHEREAS, the Town of St. John has held one formal public hearing on the proposed program and has made available to the general public, through the mass media and other sources, information concerning the program; and

WHEREAS, the Town of St. John has general knowledge of the proposed uses such funds and is cognizant of the conditions that are imposed in the undertaking and carrying out of Community Development activities and undertaking with Federal financial assistance under Title 1, including those prohibiting discrimination because of race, color, creed, sex or national origin;

NOW, THEREFORE, BE IT RESOLVED, by the Town of St. John, Indiana:

Section 1: That the Town Council President of the Town of St. John, Indiana is hereby authorized to file a Project proposal for funds under Title 1 of the Housing and Community Development Act of 1974, as amended to date, with Lake County, Indiana and provide all information and assurances as may be necessary under the Act.

ST. JOHN TOWN COUNCIL

Michael S. Fryzel
TOWN COUNCIL PRESIDENT

ATTEST:

Sherry P. Sury
CLERK-TREASURER

This resolution shall take effect immediately, having been passed and adopted by the Town Council of the Town of St. John, Lake County, Indiana, this 16th day of March 2006.

Resolution #06-03-16 authorizing the 2006 CDBG Project, and directing the Town Council to submit the project proposal. – Mr. Kil asked Mr. Fryzel to entertain a motion regarding the resolution and authorize as part of that a donation (\$4,000) to the South Lake County Community Services for the bus service. So moved by Ms. Teibel Seconded by Mr. Pearson. Motion unanimously passed.

New Business

Authorization and approval of settlement agreement with Storage Inn LLC – Mr. Austgen stated that a court ordered mediation meeting was held last week and recommended Resolution #06-03-16B be adopted. Ms. Teibel motioned to approve Resolution #06-03-16B and authorize the Town Council President to sign.

Seconded by Mr. Pearson. Roll call vote: Ms. Teibel, yes; Mr. Volk, yes; Mr. Pearson, yes; and Mr. Fryzel, yes. Motion unanimously passed.

Authorization and approval of settlement agreement with Officer Rick Kouder - Ms. Teibel motioned to approve Resolution #06-03-16A and authorize the Town Council President to sign. Seconded by Mr. Pearson. Roll call vote: Ms. Teibel, yes; Mr. Volk, yes; Mr. Pearson, yes; and Mr. Fryzel abstained. Motion passed with three ayes and one abstention.

Ms. Teibel referenced a statement from John Eenigenburg and requested permission to read his statement. (Exhibit A)

Reimbursement Agreement with Wellington Development Company for construction of Waterworks – Mr. Pearson motioned to approve the reimbursement agreement and authorize the Town Council President to sign. Seconded by Ms. Teibel. Motion unanimously passed.

Reimbursement Agreement with Wellington Development Company for construction of Sewage Works – Mr. Pearson motioned to approve the reimbursement agreement and authorize the Town Council President to sign. Seconded by Ms. Teibel. Motion unanimously passed.

Grant of right to install water lines for John and Linda Ruzich at 12616 West 85th Avenue, as approved by Waterworks District Commission – The chair entertained a motion to grant installation of water lines at 12616 West 85th Avenue. So moved by Ms. Teibel. Seconded by Mr. Pearson. Motion unanimously passed.

Consider annual CF-1 Form for Auburn Supply – 10135 Earl Drive (MLC Investments) – Ms. Teibel motioned to accept Form CF-1 as presented and authorize the Town Council President to sign. Seconded by Mr. Pearson. Motion unanimously passed.

Consider annual CF-1 Form for SB Properties (Don Bates) – 9700 Industrial Drive – Mr. Pearson motioned to accept Form CF-1 as presented and authorize the Town Council President to sign. Seconded by Ms. Teibel. Motion unanimously passed.

Consider annual CF-1 Form for SB Properties (Don Bates) – 9720 Industrial Drive – Ms. Teibel motioned to accept Form CF-1 as presented and authorize the Town Council President to sign. Seconded by Mr. Pearson. Motion unanimously passed.

Consider annual CF-1 Form for SB Properties (Don Bates) – 9565 North Industrial Drive – Mr. Pearson motioned to accept Form CF-1 as presented and authorize the Town Council President to sign. Seconded by Ms. Teibel. Motion unanimously passed.

Mr. Kil stated that he received all the CF-1 Forms, reviewed them and found them to be in compliance.

Mr. Fryzel called a ten-minute recess at 7:15 p.m.

Mr. Fryzel reconvened the meeting at 7:30 p.m.

Bid Opening – for Public Safety Facility

Proofs of Publication – Mr. Austgen stated that the notice of advertisement to bidders are in evidence in the **Times** and the **Post Tribune**, timely publication two times in each, February 16th and 23rd, 2006.

(Bids were accepted until the 7:00 p.m. date and time so noted in the legal advertisements). The bids all time receipt stamped, were compared to the list of prospective bidder's list, arranged in the order of receipt and category and presented to Mr. Austgen for the bid opening. (Exhibit B consisting of six pages)

The chair entertained a motion to take the bids under advertisement. So moved by Ms. Teibel. Seconded by Mr. Pearson. Motion unanimously passed.

Reports & Correspondence

Town Council – Mr. Pearson recognized Ms. Teibel and Gary & Mary Ellen Rassel for the planning and implementation of the interior décor of the meeting room.

Clerk-Treasurer – None

Staff – Mr. Pharazyn stated that he will have a document prepared that will enable him to make a recommendation to award an emergency siren system at the next meeting.

Public Comment – None

Adjournment – Mr. Fryzel adjourned the meeting at 9:30 p.m.

Attest:

Sherry P. Sury, Clerk-Treasurer