

**ST. JOHN TOWN COUNCIL REGULAR MEETING
ST. JOHN MUNICIPAL BUILDING MAIN MEETING ROOM
10955 W. 93RD AVENUE, ST. JOHN, INDIANA
AUGUST 24, 2006 – 7:00 P.M.**

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; Fire Chief Fred Willman; Bob Pharazyn, Public Works Director; Chip Sobek, Parks Director and John Mainwaring, Code Enforcement Officer.

Approval of the minutes: July 20, 2006 Regular, July 27, 2006 Executive Session and July 27, 2006 Regular meeting minutes – Ms. Teibel motioned to approve the minutes of the July 20, 2006 Regular Meeting, the July 27, 2006 Executive Session and the July 27, 2006 Regular meeting. Seconded by Mr. Pearson. Motion unanimously passed.

Public Hearings – Exhibit A

Ordinance #1426, consider annexation petition of Docter Estates - Proofs of Publication – Mr. Austgen stated that the original proof of publication from the **Times** was not available. After review of the faxed copy of the publisher's affidavit received from the **Times** and an original copy of the notice from the paper he stated that the publisher's affidavit of the **Times** is in evidence indicating publication one time August 4th for the Notice of the Public Hearing, a petition for annexation. The publisher's affidavit from the **Post Tribune** indicated publication on July 31, 2006, and that the public hearing notification requirements have been met. (Exhibit B – **Times** Proof of Publication received August 25, 2006)

Opening Remarks – Mr. Kil stated that this is a small parcel of property that lies just west of the Edgewood Subdivision off of Beall Street. He mentioned that the petitioner, Dr. Brandon Docter, is in the audience, that that he is going to be annexing the property in as R-1 and then proceeding through the subdivision process for a small three-lot subdivision.

Town Council Comments – None

Open to the Floor for Public Comment

Denise Peterson, 9244 Eggert Lane - stated that the property backs up to her and questioned the location of the proposed property to be annexed. She asked if the easement for utilities would go through her property and Mr. Kil explained the process and the notification that she would receive in relation to the subdivision process. He stated that the utilities and the easements have not been finalized yet and mentioned the possibility of approaching homeowners for easements and if unsuccessful, than the utilities would probably go through 93rd Avenue. Discussion ensued.

Belinda Ivetich 14576 93rd Avenue – stated that her property sits directly west of their property, across the street and asked how big the lots would be. She stated that she does think they are big enough to divide into three. Mr. Kil stated it is definitely big enough to do three lots and that it would be almost identical to the lots in Edgewood, between 15 – 20,000 sq. feet.

Elfine Fernandez, Biel Street – asked how this annexation would affect the people on that block of Beall Street. Mr. Fryzel stated that the town is not going after the property; the property owners have come to the town for annexation.

Closed to the Floor

Town Council Action – **Mr. Pearson motioned to consider Ordinance #1426, on first reading only. Seconded by Ms. Teibel. Motion unanimously passed.**

Ordinance #1425, proposed Budget for 2007 - Proofs of Publication – Mr. Austgen stated that the publisher's affidavit of the **Post Tribune** indicates publication two times, August 11th, August 18th. The original publisher's affidavit from the **Times** is not in evidence, but has been provided with a faxed copy and it is not clear as to the dates the notice appeared in the paper. After review, he stated that it appeared that publication in the **Times** was made two times August 11th and August 18th. He suggested that the clerk issue a memo when the originals are received so that the public record can be supplemented; however, based upon the evidence provided the public hearing may be held. (Exhibit C – **Times** Proof of Publication received September 6, 2006)

Opening Remarks – Mr. Kil stated the total budget estimate for 2007 is \$9,182,175.00 and that the budget is always published high, you cannot publish low. The normal and customary increase in the budget is actually just around 4% and the State has been decreasing that. We always go into the meetings with the State Board of Accounts and the DLGF with the hope they will get a little bit of a break meaning more of an increase for the towns' growth factor as the town is one of the fastest growing communities in the State. Also, he stated that the State still is not on a regular budget payment basis

Town Council comments – None

Open to the floor for Public Comment – None

Closed to the Floor

Town Council Action – **Mr. Pearson motioned to consider Ordinance #1425 on first reading only. Seconded by Ms. Teibel. Motion unanimously passed.**

New Business

Resolution #06-08-24A, a fiscal plan for proposed annexation of "Fawn Meadow Estates" – Ms. Teibel motioned to adopt Resolution #06-08-24A as submitted. **Seconded by Mr. Barenie. Motion unanimously passed.**

Ordinance #1422, annexation of certain real property known as "Fawn Meadow Estates" – Ms. Teibel motioned to adopt Ordinance #1422. **Seconded by Mr. Barenie. Motion unanimously passed.**

Ordinance # 1419, an ordinance amending the Town Personnel Policy regarding IRS Taxable Fringe Benefits (previously deferred) – Mr. Pearson motion to adopt Ordinance # 1419. Seconded by Mr. Barenie. Motion unanimously passed.

Proclamation – proclaiming the week of September 17th through September 23rd, 2006 as “Constitution Week” – Mr. Fryzel read the proclamation. Ms. Teibel motioned to proclaim September 17th – 23rd as Constitution Week and authorize the Town Council President to sign. Seconded by Mr. Pearson. Motion unanimously passed.

Donation of used squad car to Town of Schneider, Indiana (1997 Ford Model LP71) – Chief Frego stated that last week the Town Marshall, Bob Marine, viewed the two vehicles, the selection was made and the paperwork has been forwarded to Ms. Sury. Ms. Sury stated that the receipt for the donation and the title are ready. The Town Marshall needs to come in to the office and sign. Ms. Teibel motioned to approve the donation of the used police vehicle to the Town of Schneider. Seconded by Mr. Pearson. Motion unanimously passed.

Resolution # 06-08-24, a resolution providing for reduction of appropriations for Cumulative Capital Improvement Fund – Mr. Austgen stated that there was public notice of this and the record should reflect that. Notice of the Appropriation Reduction was published in the **Post Tribune** as evidenced by the publisher’s affidavit of that newspaper one time August 14th. And appears likewise to have been done in the **Times**, although the publisher’s affidavit is a fax copy of evidence of publication one time. This notice of the appropriation reduction is timely published, and consistent with the requirements of law. – Mr. Pearson motioned to adopt Resolution # 06-08-24. Seconded by Ms. Teibel. Motion unanimously passed. (Exhibit D – Times Proof of Publication received August 31, 2006)

Approval of Letter of Credit for The Gates of St. John Unit 8 in the amount of \$422,678.45 (favorable recommendation from Plan Commission) – Mr. Kil stated that the developer is having trouble getting the letter of credit, his banker is out of town. He requested that this item be deferred to the next meeting. Mr. Fryzel stated the item would be deferred until next month.

Reports & Correspondence

Town Council

Mr. Volk stated that the Bi-Town Animal Control contract ends in December and asked what has been done to prepare for an officer or training. Mr. Fryzel stated that this was included in the budget. Mr. Kil stated that he and the Chief of Police (animal control will work under the direction of the Police Dept) would prepare a position description, put an ad out and appoint an animal control officer for next year. The Town of Dyer is preparing an asset list that can be split up. Discussion ensued.

Mr. Volk also stated that he is not receiving his e-mail on the Town website. Ms. Teibel stated that there is a glitch and she will show him how to get around it. Discussion ensued regarding the efforts to get the problem resolved and that the e-mail was down.

Ms. Teibel stated that as the Town Council Liaison to the I.T. Department they want to get the imaging system set up in the Clerk's office. She asked Ms. Sury if she received the memorandum requesting information to be forwarded and Ms. Sury stated that she just received the request. Discussion ensued as Ms. Sury stated that she needed to explain to Ms. Fletcher how copies of the records could be supplied since the originals must be maintained in the Clerk's office.

Mr. Fryzel stated that when the developers come in for commercial buildings in town they will be required to bring an additional set of plans that will be given to the Fire Chief. And budget wise, he requested that the Waterworks and Sanitary District Members also receive a copy of the budget for public works and the clerk's office.

Clerk-Treasurer – None

Staff

Mr. Pharazyn stated that he presented Mr. Kil with a memo prior to the meeting requesting authorization to complete the Larimer Park drainage project. The project has been on the books for the better part of four years. He recently received proposals from both B&D Sewer and St. John Plumbing. The project will better regulate the lake level in Larimer Park so the pond level does not back up into the resident's private property. The lower proposal is in the amount of \$38,000; he will need some additional funds. Mr. Kil stated the bid amount for St. John Plumbing was \$48,967.00 and B&D Sewer was \$36,413.00. Mr. Pharazyn stated that he uses different contractors for the landscape restoration, asphalt and concrete and he is not certain how much he will need because he will be tearing a culvert out from beneath Larimer Drive and will need to resurface the street. He figures an additional \$8,000 will be needed. **Ms. Teibel motioned to accept the proposal of \$36,413.00 with an additional \$8,000.00 added for a total of \$44,413.00 for the Larimer Park drainage project to be paid from the Cumulative Sewer Fund. Seconded by Mr. Pearson. Motion unanimously passed.**

Mr. Pharazyn stated that the Keilman Street drainage project has begun and he expects the project to be completed mid to late next week.

Chief Frego asked that the board amend last week's motion to enable the testing company to grade the tests. **Ms. Teibel motioned to add the \$10.00 for correction purposes to the company awarded the application to pay for the correction (total cost \$22.50). Seconded by Mr. Pearson. Motion unanimously passed.**

Chief Frego referenced the two officers killed near Terre Haute. He stated that this group was at the St. John police station Monday to honor a fallen officer Town Marshall James Larimer and is part of the COPS group that is Companions of Police Survivors. In lieu of flowers they are requesting donations to this organization. Chief Frego requested that the Town Council approve that the St. John Police Department donate \$400.00, \$200.00 in each officers name to that group. The funds would come from the Police gift fund. **Mr. Pearson motioned to approve the sum total of \$400.00 for donation to the COPS fund on behalf of the officers involved; former Chief Gary Martin, Lake County and Lt. Gary Dudley, Indiana State Police. Seconded by Mr. Barenie. Motion unanimously passed.**

Mr. Kil asked the Town Council to reimburse the Fire Department for their festival expenses in the amount of \$7,618.00. He stated that cable TV money has been received and are in a position to reimburse the Volunteer Fire Department. He also asked the council to authorize payment to SBC or AT&T in the amount of \$21,375.00 to satisfy the contractual obligation for the cabling of public works and town hall which is done. **Mr. Barenie motioned to approve the above expenses and authorize the Clerk-Treasurer to pay those. Seconded by Ms. Teibel. Motion unanimously passed.**

Mr. Kil stated that the first floor decking of the public safety facility is ready to be put on. The decking is made of Flexicore; however, the town is unable to get their shipment of Flexicore and will be unable to do so until September 18th. In the beginning of July the company went on strike for five weeks. Since that time 14 of the 24 employees did not come back. Discussion ensued.

Mr. Mainwaring provided an update on the status of the red drop boxes located at the Car Wash site and that they will be removed. He also mentioned that he is hosting a Code Enforcement Officers' meeting on September 13.

Public Comment – None

Payment of Bills for the Corporation - #8682 - #8898 for \$1,060,771.27 – Mr. Volk asked why there are so many escrow refunds about \$70 – \$80,000, some dating back over two years. Mr. Kil stated that they are trying to clean up their escrow account. This is an item that was discussed with the State Board of Accounts on a recent audit and that Mr. Austgen is going to prepare an opinion relating to the remaining money. **Ms. Teibel motioned to approve vouchers #8682 - #8898 in the amount of \$1,060,771.27 for payment of bills for the corporation. Seconded by Mr. Barenie. Motion unanimously passed.**

Adjournment – Mr. Pearson motioned to adjourn the meeting. **Seconded by Mr. Barenie. Motion unanimously passed.**

Attest:

Sherry P. Sury, Clerk-Treasurer