

**ST. JOHN TOWN COUNCIL REGULAR MEETING
ST. JOHN MUNICIPAL BUILDING MAIN MEETING ROOM
SEPTEMBER 21, 2006 – 7:00 P.M.**

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; 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; and John Mainwaring, Code Enforcement Officer. Absent were Bob Pharazyn, Public Works Director and Chip Sobek, Director of Parks and Recreation.

Public Hearings

Mr. Fryzel introduced Ms. Jeanann George from IDEM, stated that the public hearings being held tonight were scheduled and asked her to explain to the Council the need for this action.

Resolution #06-09-21, a resolution as required by the Indiana Department of Environmental Management Recycling Grant Program - Purchase of Wood Chipper.

Resolution #06-09-21A, a resolution as required by the Indiana Department of Environmental Management Recycling Grant Program - Purchase of Combination Leaf Vacuum and Street Sweeper.

Opening Remarks

Ms. George stated that the department wants to make sure that communities that are interested in seeking recycling grants for equipment consider whether or not the purchase of that equipment will displace non-government interests. IDEM requires all recycling grant applicants to give non-government interests the opportunity to comment about proposed recycling grant applications. A notification was sent to solid waste providers as well as commercial sweeping companies operating in northwest Indiana to advise them that the town was seeking a recycling grant for a combination leaf vacuum and street sweeper. Prior to passage of a recycling grant resolution, that IDEM also requires, IDEM asks that the council consider comments from potentially displaced non-public interests.

Public Comment

Ms. George asked if there were any potentially displaced non-public interests that would like to comment on the town's intention to seek a recycling grant for a street sweeper. Ms. George asked that the record indicate that no one came forward to comment.

Ms. George stated that IDEM has a requirement of the recycling grant resolution; it speaks to the fact that the town has considered potential displacement and no displacement was expressed. The recycling grant resolution also commits the town to the matching cash that is required, it commits the town to accomplish grant funded activities within 12 months of the execution date of the grant agreement and also agrees to provide the required reports that IDEM has. This is the typical resolution that IDEM requires of all recycling grant applicants.

Mr. Kil stated that the matching money is contingent upon monies being receipted in from the Solid Waste Management District and if the money is not received they might need to postpone the grant.

Ms. George stated that at any point in the recycling grant process, a community could change its mind. Even after the agreement contracts basically have been signed. There is no penalty to a community to inform IDEM that it has chosen not to pursue recycling grant funded activity. If a resolution is not passed before September 29th the town will automatically not be considered for this round. She anticipates the town would not have the approval to spend the money until March of 2007 based on all the paperwork that is required once the grant is approved. The town would then have from the execution date of March 2007 through March 2008 to make grant funded purchases.

She also mentioned the maximum grant amount for the combination leaf vacuum and street sweeper to be \$25,000. IDEM does not fund it at 50% because IDEM believes a street sweeper could be used year round. They will fund it for the period it is operating collecting leaves. An additional \$5,000 is to fund a household educational brochure.

Ms. Teibel motioned to adopt Resolution #06-09-21. Seconded by Mr. Pearson. Motion unanimously passed.

Mr. Pearson motioned to adopt Resolution #06-09-21A. Seconded by Ms. Teibel. Motion unanimously passed.

New Business

Ordinance #1427, an ordinance creating St. John Fall Festival Special Revenue Non-Reverting Fund – Mr. Austgen stated that there is a need to review all the Special Revenue Non-Reverting Fund Ordinances that were created for such events. He recommended that there be single ordinance prepared, that would meet SBA requirements. The ordinance would cover all the events and would eliminate the need to prepare a new ordinance and fund every time the community anticipated an event. Mr. Fryzel asked Mr. Austgen to prepare an all-encompassing ordinance and stated that since this function is coming up, this fund needed to be set up now.

Ms. Teibel motioned to consider Ordinance #1427 on first reading. Seconded by Mr. Barenie. Motion unanimously passed.

Mr. Pearson motioned to adopt Ordinance #1427. Seconded by Ms. Teibel. Motion unanimously passed.

Consider Letter of Credit for The Gates of St. John – Pod #8, in the amount of \$422,678.45 (favorable recommendation from Plan Commission) – Mr. Volk asked Mr. Kil about the expiration date on the letter of credit. Explanation followed. **Mr. Pearson motioned to accept the Letter of Credit in the amount of \$422,678.45. Seconded by Mr. Barenie. Motion passed with 4 ayes and 1 abstention by Ms. Teibel.**

Consider Ordinance #1428, re-zone of Crossing Creek Subdivision from R-1 Single Family Residential to R-2 Single Family Residential (favorable recommendation from Plan Commission) – Mr. Volk stated that he still has some concerns about the three lots

on 93rd Avenue and that he spoke with Mr. Faberbock from Robinson Engineering who advised that the soil borings are coming up clean. These lots were filled in from the spoils of the Lake Hills retention pond. Mr. Kil stated they don't know if the three lots will be taken out of the floodway yet and is going to ask the developer to remove them from the subdivision. Discussion ensued, and Mr. Kil stated that he would ask Mr. Muenich to attend the meeting next week. **Ms. Teibel motioned to defer this item to the meeting next week. Seconded by Mr. Pearson. Motion unanimously passed.**

Ratification of Land Purchase Agreement with Northern Indiana Public Service Company (NIPSCO) for St. John Bike Trail – Mr. Austgen stated that NIPSCO would be paid a minimal amount of money and that this is the last phase. It will permit the bike trail land acquisition process to be completed and the right-of-way certification to be issued to INDOT whereby INDOT can release this portion and move on to the funding. He referenced the time line and the letting process. **Ms. Teibel motioned to ratify the agreement with NIPSCO. Seconded by Mr. Barenie. Motion unanimously passed.**

Permission to use Public Works Facility for November 2006 Election Day – Discussion ensued including the preparations needed at this facility the day before the election. **Mr. Pearson motioned to authorize the use of the Public Works Facility for the Tuesday, November 7, 2006 election. Seconded by Ms. Teibel. Motion unanimously passed.**

Ordinance #1425, an ordinance approving the 2007 Municipal Budget – Ms. Teibel motioned to adopt Ordinance #1425. **Seconded by Mr. Pearson. Motion unanimously passed.**

Resolution #06-09-21B, resolution adopting the fiscal plan for Docter Estates – Mr. Barenie motioned to adopt Resolution #06-09-21B. **Seconded by Mr. Pearson. Motion unanimously passed.**

Ordinance #1426, an ordinance annexing certain real property to the Town of St. John – Docter Estates – Mr. Pearson motioned to adopt Ordinance #1426. **Seconded by Ms. Teibel. Motion unanimously passed.**

Reports & Correspondence

Town Council

Mr. Volk asked for an update on the animal control negotiations. Discussion ensued. Mr. Fryzel stated that effective January 1st a retiring police officer from the St. John Police Department, Richard Conaway, will be taking the title of Animal Control Officer for the Town of St. John.

Clerk-Treasurer – None

Staff

Mr. Kil mentioned the rainstorm last week and thanked everyone for their support.

Mr. Fryzel thanked all the departments for coming together and doing a great job during the storm.

Chief Frego read a letter into the record that he received from the Lake Central School Corporation thanking them for the donation of the police squad car, Exhibit A.

Mr. Mainwaring was requested to report on the Code Enforcement Luncheon. He stated that eight towns were represented, it was a success, the luncheons will be done quarterly and that Schererville will host the next one.

Chief Frego provided details for the scheduled retirement party that would be given for Officer Conaway.

Public Comment

Ray Vander Meer, THT Builders, 106th Court – stated that he is a builder in Weston Ridge and that his building permits have expired for his model houses located at 10680 and 10710 Northcote. He stated that he was not aware the permits needed to be renewed and requested that the \$2,600.00 fees be waived. Discussion ensued. Mr. Fryzel stated that there is an ordinance in place that regulates the fees and licenses. **Ms. Teibel motioned that the Town deny Mr. Vander Meer's request for an exception to the Town Ordinance to waive the fees. Seconded by Mr. Pearson. Motion unanimously passed.**

Roger Scott, 11732 105th Street – advised that there is an ongoing runoff problem on 105th Street (Homestead Village) and provided photographs. Discussion ensued. Mr. Fryzel stated the town engineer would look into the matter along with Mr. Pharazyn the next day.

Grace Olenick, 11721 West. 105th – stated that she is having the same problem as Mr. Scott. Since the new homes have been built behind them, there is a lot of water coming into their back yards. Discussion ensued. Mr. Fryzel stated that Mr. Faberbock and Mr. Pharazyn would also come out to her home the next day.

Adjournment – Mr. Pearson motioned to adjourn the meeting. Seconded by Ms. Teibel. Motion unanimously passed. Meeting adjourned at 7:43 P.M.

Attest:

Sherry P. Sury, Clerk-Treasurer