

ST. JOHN TOWN COUNCIL REGULAR MEETING
ST. JOHN MUNICIPAL BUILDING MAIN MEETING ROOM
OCTOBER 19, 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; 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. Member Charles Pearson, Bob Pharazyn, Public Works Director and Chip Sobek, Director of Parks and Recreation were absent.

New Business

Consider Independent Contractor Consulting Agreement with JDM Consulting & Associates – Mr. Austgen stated that he reviewed the contract, recommended that an insurance and indemnification clause be added to the document and that the contract could be acted on. **Ms. Teibel motioned to accept the contract with JDM Consulting & Associates and to authorize the Town Council to execute such and to include the insurance and indemnification clause. Seconded by Mr. Barenie. Motion passed with a vote of 4 - 0.**

Consider the position description of Animal Control Officer – Ms. Teibel motioned to approve the position description of the Animal Control Officer. **Seconded by Mr. Barenie. Motion passed with a vote of 4 - 0.**

Consider award of 2006 CDBG Project – Mr. Kil stated that this is the same award as previous years, bids have been sent out for concrete and asphalt work. This year's allocation is \$24,543.75. He recommend that the project be awarded to the lowest bidder, Burrink Concrete with the bid of \$4.25 per square foot, not to exceed the maximum allocation. The award is for all for sidewalk work in the town's parks; there will be no asphalt work done. **Ms. Teibel motioned to award the bid to Burrink Concrete with a unit price of \$4.25 a square foot, to reject the asphalt bid, and have that motion not to exceed the maximum allocation. Seconded by Mr. Barenie. Motion passed with a vote of 4 - 0.**

Resolution #06-10-29, a resolution providing for the additional appropriation of various funds – Ms. Teibel motioned to adopt Resolution #06-10-19. **Seconded by Mr. Barenie. Motion passed with a vote of 4 - 0.** Mr. Austgen stated that a public hearing is required for this motion, verified the publisher's affidavit from the **Post Tribune** on October 6, 2006 (**Times** – October 9, 2006, also in evidence) and suggested Mr. Fryzel ask for citizen input. Mr. Fryzel asked the audience if they had any questions on this item. There was no response. **Ms. Teibel motioned to ratify the action of approval of the motion. Seconded by Mr. Barenie. Motion passed with a vote of 4 - 0.**

Consider Letter of Credit for Three Springs Development – Phase 2 in the amount of \$934,290.28 (favorable recommendation from Plan Commission) – **Mr. Barenie motioned to accept the Letter of Credit in the amount of \$934,290.28. Seconded by Ms. Teibel. Motion passed with a vote of 4 - 0.**

Consider Letter of Credit for The Gates of St. John – Unit 11A & 12A in the amount of \$879,193.29 (favorable recommendation from Plan Commission) – **Mr. Barenie motioned to accept the Letter of Credit in the amount of \$879,193.29.** Due to the lack of a second, this item is tabled until the next agenda.

Ratification of payment of “escrow monies” and authorization of payment to NIPSCO for the purchase of certain real property – Mr. Kil stated that this is the last parcel of property to be acquired before they can go to letting. An escrow agreement has been signed with NIPSCO, the property has been properly appraised, INDOT and the Federal Highway Administration has signed off on it, and \$5,000.00 has been sent to Chicago Title as escrow money pursuant to the agreement. The total purchase price of the property is \$9,100.00. The action tonight would approve the payment of the escrow and to authorize the actual purchase of the property. **Ms. Teibel motioned to ratify the payment of escrow monies and authorize the payment to NIPSCO for the purchase of certain real property for the construction of the St. John Bike Trail in the amount of \$9,100.00. Seconded by Mr. Barenie. Motion passed with a vote of 4 - 0.**

Consider Grant of Right to install / extend utilities to property located at the northwest corner of Blaine and 101st Avenue (favorable recommendation from the Utility District) – Mr. Kil stated that this property is not contiguous to the Town and that the developer plans to do a extension to the development as another unit of Grouse Point. Mr. Fryzel stated that he would like to see the plans for the development and discussion ensued. **Ms. Teibel motioned to defer. Seconded by Mr. Barenie. Motion passed with a vote of 4 - 0.**

Consider Grant of Right to install / extend utilities to Protestant Reformed Educational Facility (favorable recommendation from the Utility District) – Mr. Kil stated that he does not have any plans for what they are building. This is an educational facility for a grade school and high school. It is on the west side of Calumet Avenue on the north side of 109th. The school would have to extend the utilities from where Silverleaf meets 109th down 109th to Calumet, roughly about half a mile. **Ms. Teibel motioned to defer this item until the Council sees the plans for the property. Seconded by Mr. Barenie. Motion passed with a vote of 4 - 0.**

Consider release of Maintenance Bond for Meyers Development (Public Works Department documentation attached) – Mr. Kil stated that Tom Redar did the final inspection and the bond can be released. **Ms. Teibel motioned to approve the release of bond #5983513 in the amount of \$8,325.00. Seconded by Mr. Barenie. Motion passed with a vote of 4 - 0.**

Consider start up monies for the St. John Fall Festival / Spooktacular – Ms. Sury stated that this is the startup bank so they will be able to make change for the event. **Ms. Teibel motioned to authorize start up monies not to exceed \$500.00 for the St. John Fall Festival / Spooktacular. Seconded by Mr. Barenie. Motion passed with a vote of 4 - 0.**

Reports & Correspondence

Town Council

Ms. Teibel reminded everyone that the First Annual Fall Festival / Spooktacular starts tomorrow night at 6:00 with opening of the Haunted House which will continue through October 31st Halloween night. There will be a Fall Festival for the younger children the weekend before Halloween, non-threatening Halloween adventures, haunted houses are for adults, and festivals are for children. Everyone is invited to check it out.

Chief Frego announced the Halloween hours will be from 5:00 P.M. – 7:00 P.M. on Halloween night, October 31, 2006 and he will meet with Janet Dominguez to set up the parade route.

Clerk-Treasurer – None

Staff

Mr. Kil provided an update on the Public Safety facility and stated that the second deck of flexicore is installed and was delivered on time. The roof should be on by the first of November (sheeted not shingles) so the building can be heated. Everyone is working hard and that they are a touch behind schedule and it is anticipated that they should open on May 18th, 2007.

Public Comment

Ms. Brooke Conaway, 9767 Hart Street – stated that she was speaking for herself and her married sister, Meredith Bickell of 9765 Hart Street. She stated that there are many problems at their addresses and their concerns tonight include the drainage project in their back yard at the Three Springs subdivision and about Dave Barrick. Currently he is not using any erosion control on the properties he is working on across the street from their houses. Mr. Fryzel asked if she was referencing the silt fences, and the response was yes. She stated that he is using the silt fences further south of them and believes he is doing this to irritate them because they have lawsuits against him and wanted this addressed. It seems whenever she calls in, things are pretty much ignored so she is bringing it to the Council's attention tonight. They had a problem with him just a couple of days ago on October 12th and called the Police Department. She stated that she has children living with her that play in her front yard with neighborhood children, the back yard is not sodded, and Mr. Barrick feels he can speak to them and the children whenever her feels like it using very foul language. The incident was a ball going onto property he just sodded and believes that if her yard was sodded this problem would go away. She stated that she has gotten her own estimate to sod her back yard from RAL Landscaping for \$6,297.36, which is good for 30 days, because the price will go up in the spring and has contacted other landscapers but they are either unavailable or have conflicts. A letter from her attorney dated 01/24/06 was referenced that was sent to Mr. Kil that stated what was agreed to with the town regarding what would be happening in their back yard.

Mr. Kil stated that he has been out there countless times. When Mr. Barrick was ready to sod the property, Brooke Conaway demanded that he leave the property immediately. Mr. Mainwaring was with him at this time. Mr. Kil tried to tell Ms. Conaway they were ready to sod and complete the project and she said absolutely not. Mr. Kil instructed Mr. Barrick to leave the property pursuant to her request and not to return because she demanded that everyone leave. Mr. Kil told her they were there to do the work, Mr.

Barrick is there to complete it, they are in the final stages of the project and they were not coming back. Ms. Conaway said fine.

Ms. Conaway said that she called the police at that time and asked Mr. Kil not to talk to Mr. Barrick until the police arrived and Mr. Kil went back there anyway. Eric Anderson arrived five minutes later, made a police report, everything is documented and this occurred on August 15th. Discussion ensued.

Mr. Fryzel stated that they were there to do the work. He asked if the problem she had was because Mr. Barrick showed up on her property and she was unaware that he was going to be there. She stated that she did not want him on her property due to the pending litigation she has with Mr. Barrick.

Mr. Kil asked Ms. Conaway to read the letter from her attorney. She read “this will be regrading and planting of the properties at the full expense of Barrick Builders”. Mr. Kil stated it did not say who would be doing the regrading; they are doing it at their sole expense.

Ms. Conaway said on April 20th Mr. Kil gave her the new grading plan and told her that Snow Excavation would be doing the work. Mr. Kil also told her that Barrick would be responsible for footing the bill and making sure that the landscaping would be done. Mr. Kil did not know nor did he think Mr. Barrick was capable of doing the actual sodding due to his physical imparities. Discussion ensued. Mr. Kil stated that Mr. Barrick was the only one capable of operating the equipment to move the sod to the back yard, to allow the laborers to install the sod. Mr. Barrick was not physically installing sod on the property.

Mr. Fryzel stated that Mr. Barrick would sod the property like he was supposed to. He has to do this for the town because they told him about the drainage problem. He had to fix this problem, he has to sod the yard and not be on the property. Have his guy sod the yard for him. Because of the litigation he should not be on the property in the first place. It is a separate issue with the town and his concern is that the town take care of the issue they have with the drainage and getting the sod in there. That's it.

Mr. Kil asked that the town attorney be involved with him. Ms. Conaway stated they have a conflict of interest with the attorney because she hired him to begin with. Mr. Austgen stated she did not hire him. Ms. Conaway stated she hired his firm. Discussion ensued.

Ms. Meredith Bickell, 9765 Hart Street – she wanted to state for the record that she met with Steve Kill, brought videotape and has had several conversations with him. From the get go Mr. Kil said Mr. Barrick himself would not sod the property that he was to hire a landscaper. That is why she personally agreed to go ahead and have the town take care of the problem. She asked that the town confirm this in a letter, which did not happen. Mr. Fryzel stated this was confirmed in the letter from their attorney. He also stated they will get their sod and Mr. Barrick will not be on the property.

Mr. Mike Forbes, 12466 West 105th Place – stated that a few months ago a resident complained about (garbage) juice on the street and it seemed that immediately following the complaint from that resident, White Oak Manor got inundated. The streets in White Oak Manor are just awful and it seems that whenever someone complains, the problem

moves to another part of town. Mr. Fryzel asked Mr. Kil to have the area power washed. Discussion ensued. Mr. Kil asked the council to authorize the re-bid of the waste contract along with the anticipated opening of the bids to be in December. **Ms. Teibel motioned to authorize the re-bid of the waste contract. Seconded by Mr. Barenie. Motion passed with a vote of 4 - 0.**

Mr. Forbes also asked if there has been an accounting of the St. John Family Fest at the Ice Arena for this year. Ms. Sury stated that they have one report and that it needed to be updated. The Fire Department has now been reimbursed and that the report could be completed now and distributed to the Council. Mr. Forbes could then make a public information request for the information.

Mr. Mainwaring stated that he received several complaints about the trucks and has taken pictures of some of the spots the trucks have been leaving on the streets. Mr. Fryzel stated that if Mr. Mainwaring sees a truck leaking, they should shut the truck down and have it removed from the town. Mr. Mainwaring stated that the foreman told them that they would come out and power wash and this has not happened. Mr. Kil stated that in the past, he has withheld payment until they power wash. Mr. Fryzel asked that the town withhold this month's payment and he will personally notify Ms. Sury when payment can be released.

Adjournment – Mr. Barenie motioned to adjourn the meeting. Seconded by Ms. Teibel. Motion passed with a vote of 4 - 0. Meeting adjourned at 7:40 P.M.

Attest:

Sherry P. Sury, Clerk-Treasurer