

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

Mr. Fryzel called the meeting to order at 7:05 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; and John Mainwaring, Code Enforcement Officer. Absent was Chip Sobek, Director of Parks and Recreation.

Swearing-In of Reserve Police Officer Rick Conaway - Ms. Sury administered the oath to Reserve Police Officer Conaway.

Bid Opening – Town Refuse and Recycling Collection – (Bids were accepted until the 7:00 p.m. date and time so advertised in the legal notices.) Mr. Austgen stated that Proof of Publication was made in the **Post Tribune** timely as evidenced by the Publishers' Affidavit and likewise in **The Times** as evidenced by the Publishers' Affidavit. Ms. Sury announced that only one bid was received and presented the bid package to Mr. Austgen to open and review. Mr. Austgen stated that the bid was in order after his review of the Form 96, the Bid Bond, Certificate of Insurance, Non-Collusion Affidavit and read the bid summary into the record, Exhibit A.

Mr. Pearson motioned to take the bid under advisement. Seconded by Mr. Barenie. Motion unanimously passed.

New Business

Ordinance #1435, the 2007 Salary Ordinance - Ms. Teibel motioned to consider Ordinance #1435 on first reading. **Seconded by Mr. Pearson. Motion unanimously passed.**

Ms. Teibel motioned to adopt Ordinance #1435. Seconded by Mr. Pearson. Motion unanimously passed.

Resolution #06-12-21, a resolution to transfer funds within a category of appropriations - Ms. Teibel motioned to adopt Resolution #06-12-21. **Seconded by Mr. Pearson. Motion unanimously passed.**

Letter of Credit for North Point – Unit 2 in the amount of \$86,819.37 (favorable recommendation from Plan Commission) - **Mr. Pearson motioned to approve the Letter of Credit for North Point – Unit 2 in the amount of \$86,819.37. Seconded by Mr. Barenie. Motion unanimously passed.**

Letter of Credit for Martins Addition in the amount of \$534,135.25 (favorable recommendation from Plan Commission) - **Mr. Barenie motioned to approve the Letter of Credit for Martins Addition in the amount of \$534,135.25. Seconded by Mr. Pearson. Motion passed with four ayes and one abstention by Ms. Teibel.**

Ordinance #1438, an ordinance reclassifying certain property within the Town of St. John from R-2 Residential to B-3 Highway Commercial – Petitioners: Midco / Whiteco St. John LLC (favorable recommendation from Plan Commission) – Mr. Jim Wieser, Attorney representing the petitioner, gave an overview of the property location and addressed several issues including; proof of ownership, form of ordinance and a written zoning commitment which describes the property. He stated what they are attempting to do, and referenced the list of prohibited uses. Their proposal is keeping with the Town’s comprehensive plan and to attract high quality retailers. There have been 156 serious inquiries and they believe they meet the criteria of the Plan Commission. Discussion ensued regarding the buffer zone and the number of businesses per building. Mr. Wieser read a list of the types of retail stores that the developer does not want in the mall.

Public Comment

Mr. Harold Yorke, 10802 Schneider Place – stated that he is against the development because it would be putting a commercial development in his backyard, he is concerned about the negative impact this would have on the subdivision in terms of traffic, crime and litter. He would like to maintain the quality of life he has had in the subdivision for a number of years.

Mr. Tom Hausier, 10784 Schneider Place – read a statement prepared by his wife referencing the Plan Commission meeting the developer attended. The statement stressed the neighborhood and family atmosphere of the subdivision and also mentioned the developer has made settlement offers to purchase several homeowners property in that subdivision. The Hausiers operate their business, Dyno Jump, from their home.

Mr. Roger Scott, 11732 West 105th Street – stated that he attended the September 21st meeting and presented photographs to the Council of his backyard after medium to heavy rainstorms. Mr. Kil and Mr. Pharazyn came out to his house, followed by contractors, a plan was set, remedial action was taken, and he would like to thank the Council. He will see what happens in the spring rains.

General discussion followed regarding the distance between the buildings, the proposed site plan, the buffer zone and the Lee Residence. Mr. Kill stated that the access to Schneider Place would not change.

Mr. Frank Guzenski, 10832 Schneider Place – stated that the property previously referenced is just north of him and is a slum in his opinion. The town has taken the owner to court twice and nothing has been done. He called the health department who said it is the town's problem. Discussion ensued, (tape inaudible). He asked with whom the contract is with, the house is deserted.

Mr. Hausier's stated that his understanding is that the detention pond is runoff water from the parking lot. Most of the homes in the subdivision have private wells, do not have town water, and their concern is about the runoff from many cars and their wells. Discussion ensued.

Mr. Wieser stated that he is not able to answer subdivision questions now because nothing has been engineered which does not happen until the property is rezoned.

Ms. Teibel motioned to adopt Ordinance #1438 with the stipulation of an adequate quality buffer zone (tape inaudible) and with the entry of the Zoning Commitment as presented in form and content acceptable to your terms. Seconded by Mr. Pearson. Motion unanimously passed.

Consider Ordinance #1436, amending Ordinance #839 regarding Business and Industrial Use Regulations (favorable recommendation from Plan Commission) - Mr. Pearson motioned to adopt Ordinance #1436. Seconded by Mr. Barenie. Motion unanimously passed.

Consider Ordinance #1437, amending Ordinance #1243 regarding Fees for Recycling Containers – Mr. Barenie motioned to consider Ordinance #1437. Seconded by Mr. Pearson. Motion unanimously passed.

Mr. Barenie motioned to adopt Ordinance #1437. Seconded by Mr. Pearson. Motion unanimously passed.

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. Kill stated that this area will have single family residences that are identical to the size of the homes in Grouse Point, it is an extension of that subdivision. Mr. Volk asked about the status of annexation (Tiburon, Grouse Point, and the Baacke Farm). Discussion ensued. **Ms. Teibel motioned to approve/authorize the extension of utilities and to authorize the Town Council President to execute the agreements. Seconded by Mr. Pearson. Motion passed with four ayes and one nay by Mr. Volk.**

Reports & Correspondence

Town Council – None

Clerk-Treasurer – Ms. Sury stated that she received a thank you note from the Town of Schneider for the police vehicle that was donated and also asked for permission to close the Clerk's office to the public on the last working day of the month, Friday, December 29th to close out the books. **Mr. Pearson motioned to allow the Clerk's office to close to the public on Friday, December 29th. Seconded by Ms. Teibel. Motion unanimously passed.**

Staff

Mr. Kil read a letter from a resident, Vera Dimovski, 9934 Hedwig Drive thanking the town for the activities in town that they attended with their grandchildren (Christmas in the Park and the Police/Fire open house).

Mr. Barenie reported that the Tidy John was removed from Heartland Park.

Public Comment – None

Adjournment – Mr. Pearson motioned to adjourn the meeting. Seconded by Ms. Teibel. Motion unanimously passed. Meeting adjourned at 8:15 p.m.

Attest:

Sherry P. Sury, Clerk-Treasurer