

**ST. JOHN TOWN COUNCIL REGULAR MEETING
ST. JOHN MUNICIPAL BUILDING MAIN MEETING ROOM
FEBRUARY 22, 2007 - 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: Fred Frego, Police Chief, Fred Willman, Fire Chief, Bob Pharazyn, Public Works Director, Chip Sobek, Parks & Recreation Superintendent and John Mainwaring, Code Enforcement Officer.

Approval of the Minutes of the January 18, 2007 Regular and January 25, 2007 Regular Town Council Meetings - Ms. Teibel motioned to approve the Minutes of the January 18th and the January 25th Regular Town Council Meetings. Seconded by Mr. Pearson. Motion unanimously passed.

Public Hearing: Ordinance #1440, and ordinance amending Ordinance #1408 concerning rates and charges to customers of the Municipal Water Works - Mr. Austgen stated that the Proofs of Publication are in order and notice has been published in **The Times** and the **Post Tribune** one time each on February 12th. He also noted for the record, the certification of mailing executed by the Clerk is in evidence whereby under Statute those customers and property owners that are required to be notified, received a notice of the public hearing.

Opening Remarks - None
Town Council Comments – None
Open to the Floor – No one
Closed to the Floor

Motion to adopt Ordinance #1440 (with effective date of March 15, 2007) - Mr. Pearson motioned to adopt Ordinance #1440. Seconded by Ms. Teibel. Motion unanimously passed.

Old Business – None

NEW BUSINESS

Proclamation for Indiana Child Abuse and Neglect Prevention Awareness – Ms. Teibel read the Proclamation. Mr. Pearson motioned to declare April as Indiana Child Abuse and Neglect Prevention Month and to authorize the Town Council President to sign such. Seconded by Mr. Barenie. Motion unanimously passed.

Consider annual CF-1 Form for Welch Partners LLC – 9585 N. Industrial Drive - Ms. Teibel motioned to accept CF-1 Form as presented and to authorize the Town Council President to sign. Seconded by Mr. Barenie. Motion unanimously passed.

Consider annual CF-1 Form for Welch Partners LLC – 9601 N. Industrial Drive – Mr. Pearson motioned to accept CF-1 as presented and to authorize the Town

Council President to sign same. Seconded by Mr. Barenie. Motion unanimously passed.

Consider annual CF-1 Form for J. L. Shandy Transportation - 10115 Ravenswood Drive - Mr. Barenie motioned to accept CF-1 Form as presented and to authorize the Town Council President to sign. Seconded by Ms. Teibel. Motion unanimously passed.

Consider acceptance of deed for Saddle Creek Park - Ms. Teibel motioned to accept the deed as submitted and to authorize the Town Council President to execute. Seconded by Mr. Pearson. Motion unanimously passed.

Ordinance #1441, an ordinance amending Town Code Section 4-28, pertaining to Building Department Escrow Fees – Mr. Volk stated that within the ordinance it states that the permittee had to submit an “as built” at the end of construction to request the return of the escrow money and requested clarification on this. Mr. Austgen addressed the current ordinance and stated that it is vague and did not provide for any grandeur for the return of the escrow to be provided, this ordinance is a mythology to do so and referenced the duties of the inspector in relation to his review for compliance of the grades and elevations. Discussion ensued as to the cost (\$175.00) for the “as built survey”, non-conformance, the remaining funds in the escrow account, default, and the effective date for forfeiture stated in the ordinance to be six months. **Ms. Teibel motioned to consider Ordinance #1441 on first reading. Seconded by Mr. Pearson. Motion passed with 4 ayes and 1 nay by Mr. Volk. Mr. Fryzel stated that the adoption would be on the agenda for the first regular meeting in March.**

Consider Ordinance # 1442, an ordinance authorizing a Traffic Deferral Program in the Town of St. John – Mr. Austgen stated that this program replaces the driving school that was held in town until the end of last year and summarized the deferral program. He also mentioned that this also addresses an item brought up by the State Board of Accounts in its most recent audit. **Mr. Barenie motioned to consider Ordinance #1442 on first reading. Seconded by Mr. Pearson. Motion unanimously passed. Mr. Pearson motioned to adopt Ordinance #1442. Seconded by Mr. Barenie. Motion unanimously passed.**

Consider consulting agreement with Next Generation Solutions, Ltd. for the purpose of the Town’s Web Site Design – Mr. Austgen stated that this is an independent contracting consulting agreement for the upgrade and modernization of the town’s web site. The contract fee is \$11,050.00. **Ms. Teibel motioned to approve the agreement with Next Generation Solutions, Ltd. and to authorize the Town Council President to execute same. Seconded by Mr. Barenie. Motion passed with 4 ayes and 1 nay by Mr. Volk.**

Resolution # 07-02-22, a resolution authorizing a temporary transfer of funds - Ms. Teibel motioned to adopt Resolution #07-02-22. Seconded by Mr. Pearson. Motion unanimously passed.

Consider fire service contract with Township Trustee’s Office - Ms. Teibel motioned to approve the fire services contract in the amount of \$23,927.00 and to authorize the Town Council President to execute. Seconded by Mr. Pearson. Motion unanimously passed.

Consider Letter of Credit for The Gates of St. John – Unit 10B, in the amount of \$12,897.06 (favorable recommendation from Plan Commission) - **Mr. Pearson** motioned to accept the Letter of Credit in the amount of \$12,897.06. **Seconded by Mr. Barenie. Motion passed with 3 ayes, 1 abstention by Ms. Teibel and 1 nay by Mr. Volk.**

Ordinance #1443 amending Ordinance #1408 concerning rates and charges – Mr. Kil provided an overview on this ordinance, Ordinance #1440 and the recommendations received from the Waterworks Board regarding the bulk water sales station and the declining rate block. **Ms. Teibel motioned to consider Ordinance #1443 on first reading and to authorize a public hearing on March 15th. Seconded by Mr. Pearson. Motion unanimously passed.**

Reports & Correspondence

Town Council – None

Clerk-Treasurer – None

Staff – Mr. Kil stated that he met with a representative of Nextel, the Town's cell phone provider, and there will be a change to the service agreements that amount of a savings of approximately \$400 per month, (Nextel merged with Sprint). He also mentioned that the Safety Village on March 23rd would be holding another benefit and provided details for this event.

Mr. Pharazyn stated that he met with the engineer and INDOT regarding the intersection reconstruction project at 93rd and US #41. They are out to bid and plan to start the project mid-April with some preliminary storm sewer work. He did not receive an end date. An overview of the project and letting process was provided and he referenced our involvement in the utility work that needed to be done along with the replacement of the water main that presently sits under US #41. They are going to widen the intersection; all four legs to allow for turn lanes (93rd and US#41) and the intersection resurfaced and re-stripped. A request has also been made for a by-directional turn lane up to the bridge. Discussion ensued regarding the plan to enlarge the pond for improved drainage at Prairie West Park (southeast corner of the pond). Mr. Pharazyn also mentioned that he is presently seeking proposals to complete the 93rd Avenue ditch elimination project, this is the fourth phase of the project. Discussion ensued.

Chief Frego mentioned that this past Tuesday, February 20th, was the 36th anniversary of the death of Town Marshall James Larimer and Indiana State Trooper John Streu. Chief Frego summarized the events of their deaths behind Kolling School while investigating a suspicious vehicle. The ceremony that was held in front of the Town Hall was also summarized along with recognition of the attendees Mr. Tuley, advocate for the parole hearings, and the widow of Marshall Larimer. Chief Frego stated that he plans on having a ceremony every year on the anniversary date in remembrance of these two fallen officers.

Mr. Austgen suggested that the new Police Station have a plaque or some form of recognition for the fallen officers. Discussion ensued. Ms. Teibel mentioned the plans for the history brick pathway (made from bricks from the old Police Department) that will be

in front of the safety building and stated that the first brick installed will be in honor of Marshal Larimer. An update on the purchase of history bricks would be forthcoming.

Chief Willman thanked the Council for the 5% increase in the fire service contract with the St. John Township Trustee's Office and also asked that a plaque be placed in recognition of a fireman killed in the line of duty. Discussion ensued regarding the plaques to be erected.

Payment of Bills for the Corporation #7178 - #7365 for \$824,938.53 - Ms. Teibel motioned to accept vouchers #7178 - #7365 in the amount of \$824,938.53 for the payment of bills for the Corporation. Seconded by Mr. Pearson. Motion unanimously passed.

Public Comment

Daniel Fagen, 2240 Hart Street, Dyer – stated that he is a business owner in St. John, a tenant in a building at 9231 Wicker Avenue (currently under construction) and he would like to know why the town is preventing the work from being finished. Mr. Fryzel asked if he had an attorney present and if he was related to the owner. Mr. Fagen stated that he is a tenant and the owner is his Father. Mr. Fryzel stated this is in court right now and is between the two attorneys' and would not be discussed at the council meeting.

Adjournment – Mr. Pearson motioned to adjourn the meeting. Seconded by Ms. Teibel. Motion unanimously passed. Meeting adjourned at 7:35 P.M.

Attest:

Sherry P. Sury, Clerk-Treasurer