

**ST. JOHN TOWN COUNCIL REGULAR MEETING**  
ST. JOHN MUNICIPAL BUILDING MAIN MEETING ROOM  
10955 W. 93<sup>RD</sup> AVENUE, ST. JOHN, INDIANA  
MAY 24, 2007 - 7:00 P.M.

Mr. Fryzel called the meeting to order at 7:09 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 Commander Frank Chapranda for Police Chief Fred Frego, Fred Willman, Fire Chief, Chip Sobek, Parks & Recreation Superintendent and John Mainwaring, Code Enforcement Officer. Absent was Bob Pharazyn, Public Works Director.

**Approval of the Minutes of the April 19<sup>th</sup>, 2007 Regular and April 26<sup>th</sup>, 2007 Regular Town Council Meetings** – Ms. Teibel motioned to approve the minutes of the April 19<sup>th</sup> and April 26<sup>th</sup> Regular Town Council Meetings. Seconded by Mr. Barenie. Motion passed with a vote of 4 – 0 - 1 (abstention by Mr. Pearson).

**Old Business – None**

**New Business**

**Letter of Credit for Gardenia Gardens in the amount of \$295,138.80** (favorable recommendation from Plan Commission) – Mr. Kil stated that this is for a commercial development on US #41, he has a fax copy of the letter of credit and that the original will be provided tomorrow. Discussion ensued regarding the location and anticipated business. **Ms. Teibel, per favorable recommendation from the Plan Commission, motioned to accept the Letter of Credit in the amount of \$295,138.80 for Gardenia Gardens. Seconded by Mr. Pearson. Motion unanimously passed.**

**Consider agreement with Pyramid Alarm Company for alarm monitoring equipment at main dispatch center in Public Safety Facility** – Ms. Teibel motioned for the Town Council President to authorize and execute the agreement with Pyramid Alarm Company. Seconded by Mr. Barenie. Motion unanimously passed.

**Consider Ordinance #1447, an ordinance re-classifying certain real property at 10639 Wicker Avenue** (favorable recommendation from Plan Commission) – Ms. Teibel motioned to adopt Ordinance #1447. Seconded by Mr. Barenie. Motion unanimously passed.

**Consider Ordinance #1448, an ordinance amending Ordinance #526 requiring a portable restroom for a construction site** – Mr. Pearson motioned to consider Ordinance #1448 on first reading. Seconded by Ms. Teibel. Motion unanimously passed.

**Mr. Pearson motioned to adopt Ordinance #1448. Seconded by Mr. Barenie. Motion unanimously passed.**

**Consider appointment to St. John Park Board** (Ofilia Faye Cedano-Johnson) – Ms. Teibel motioned to appoint Ms. Ofilia Faye Cedano-Johnson to the St. John Park

**Board term expiring 12/31/07. Seconded by Mr. Barenie. Motion unanimously passed.**

**Consider Ordinance #1449, an ordinance amending Ordinance #1238 and #1239 providing for a schedule of rates and changes for BLS (Basic Life Support) and ALS (Advanced Life Support) Ambulance Service – Ms. Teibel motioned to consider Ordinance #1449 on first reading. Seconded by Mr. Barenie. Motion unanimously passed.**

**Ms. Teibel motioned to adopt Ordinance #1449. Seconded by Mr. Barenie. Motion unanimously passed.**

**Consider Revenue Sharing Agreement with Holt, Sheets & Associates for electronic accident reports – Mr. Austgen stated that he received a new version of the agreement this week and this is the third or fourth version. All of the Police Chiefs in the Northwest Indiana area are participating in the dialogue in this. He has not yet reviewed the latest version, which he heard has some changes in reimbursements and other substantive items. **Mr. Pearson motioned to defer to next month. Seconded by Ms. Teibel. Motion unanimously passed.** (Item will be on the agenda for the first meeting of next month).**

**Consider Ordinance #1450, an Ordinance amending #511 regarding traffic fines and violations – Ms. Teibel motioned to consider Ordinance #1450 on first reading. Seconded by Mr. Pearson. Motion unanimously passed.**

**Mr. Barenie motioned to adopt Ordinance #1450. Seconded by Ms. Teibel. Motion unanimously passed.**

**Consider Resolution #07-05-24 – Transfer of Appropriations – Ms. Sury stated that funds needed to be transferred and referenced APV #8013 to Burrink Concrete for \$625.00 for sidewalk work on Belmont and APV #8012 to Redbud Landscape for the Landscaping work at 93<sup>rd</sup> and Calumet Avenue. **Ms. Teibel motioned to adopt Resolution #07-25-24. Seconded by Mr. Pearson. Motion unanimously passed.****

## **Reports & Correspondence**

### Town Council

Mr. Volk referenced the Grimmer Property and asked Mr. Kil to address this item. Mr. Volk stated that he has asked the developer several times to put in a swale back to the ditch and asked the status of this. Discussion ensued. Mr. Kil stated that he had a staff meeting with the developer (Crossing Creek) and Mike Muenich and advised them that this must get done in the next couple of weeks.

Mr. Volk also mentioned a letter he received from a resident regarding the recycling cans. Mr. Fryzel stated that he has spoken to the resident and the item is taken care of. Discussion ensued.

Ms. Teibel reminded everyone that the festival is starting to take shape. The parade is on Saturday and that they are still accepting volunteers.

Clerk-Treasurer - None

Staff

Mr. Sobek reported that the program registrations are going very well and that the first program will start next week.

Commander Chapranda reported that the department is going to request the purchase of two cars, through the state bid, and that the special equipment fund will be used for the purchase.

Chief Willman stated the he is excited to move into the new building and thanked the Town Council, the Town Manager, Town Attorney and all the staff.

Ms. Teibel stated that the website is up and running. She thanked Rachel Wilkinson, Fire Department, and Jay Dahlin, Police Department, for all of their help.

**Payment of Bills for the Corporation #7798 to #8014 for \$1,249,729.45 – Ms. Teibel motioned to accept vouchers #7798 to #8014 in the amount of \$1,249,729.45 for the Corporation. Seconded by Mr. Pearson. Motion unanimously passed.**

#### **Public Comment**

Mr. Dale Robert, 11990 Heron Lake Road – stated that he attended the April 19<sup>th</sup> meeting and gave the Clerk-Treasurer a copy of the statement that he read, as he is aware there were problems with the recording of that meeting and requested permission to read the statement. Mr. Robert asked Mr. Kil if he was aware of the ownership by the people of Heron Lake Subdivision and if they own it at this time. Mr. Kil responded that he was not sure if the transfer had taken place. Discussion ensued.

Mr. Robert read a portion of the statement (Exhibit A) regarding information requested for the project that included a storm sewer extension that was never completed by the developer, Alex Arzumanian. Discussion ensued.

Mr. Robert inquired about the unfinished streets in his subdivision. Discussion ensued. Mr. Kil questioned if Mr. Robert was addressing the surface course and responded that the town, by general rule, does not want the streets completed until 80% of the subdivision is built out. Discussion ensued regarding the responsibility of the developer.

Mr. Robert also stated that he was in the Building Department today and spoke with the Building Inspector, Tim Foley, regarding a deck a neighbor is putting up. He stated that according to International Residential Code that when a deck is attached to the home it becomes part of the property. Mr. Foley did not agree with that. Mr. Robert added that the deck comes within less than six feet of the property line and the town code is within ten feet of the property line. Mr. Kil replied that this is a zoning ordinance issue and the side building line applies to a structure. The towns zoning ordinance does not consider a deck as part of the main structure. Discussion ensued. Mr. Robert mentioned that when he met with Mr. Foley he was told by Mr. Foley that he was “the Mayor of Heron Lake and he should quit bird dogging the subdivision” in front of several others and he considered that an insult. Discussion ensued.

Mr. Robert also mentioned there are two homes with pools that do not have a fence, one pool was installed last year, discussion ensued. Mr. Fryzel stated that he would follow up on the pool issue.

Ms. Shelley Hintz, 9370 West 89<sup>th</sup> Avenue – stated that in front of the Plan Commission there is a subdivision, Rose Garden addition, and the issue has become Parrish Avenue. There is a lot of mystery whether Parrish Avenue should be or not. She has compiled informational binders for the Town Council members and would like to present them. Mr. Austgen reminded the council that the Plan Commission has, by Statute, under Indiana Code 36-7-4-701 sec, exclusive jurisdiction over the platting of subdivisions and the circumstances related to it. The information they have received while it is important to them should be passed on to the Plan Commission for the continued review and consideration of that project. Discussion ensued.

Mr. Fryzel amended the agenda to include approval for the Police Department to purchase the vehicles. **Ms. Teibel motioned to approve the purchase of two vehicles with the special equipment package by the Police Department in the amount of \$42,842.50. Seconded by Mr. Pearson. Motion unanimously passed.**

**Adjournment – Mr. Pearson motioned to adjourn the meeting. Seconded by Ms. Teibel. Motion unanimously passed.** Meeting adjourned at 7:34 P.M.

Attest:

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Sherry P. Sury, Clerk-Treasurer