

**ST. JOHN TOWN COUNCIL REGULAR MEETING
ST. JOHN MUNICIPAL BUILDING MAIN MEETING ROOM
10955 W. 93RD AVENUE, ST. JOHN, INDIANA
MAY 29, 2008 – 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; Mark Barenie, Member; Michael Forbes, Member; David Austgen, Attorney; Steve Kil, Town Manager and Sherry Sury, Clerk-Treasurer. Also in attendance were Fred Frego, Chief of Police; Fred Willman, Fire Chief; Bob Pharazyn, Director of Operations; Chip Sobek, Parks Superintendent and John Mainwaring, Code Enforcement Officer.

Approval of Minutes: April 24, 2008 Executive Session and April 17 and April 24, 2008 Regular Meeting minutes – Ms. Teibel motioned to approve the minutes of the April 17th and 24th Regular Meetings and the April 24th Executive Session. Seconded by Mr. Barenie. Motion passed with a vote of 4 – 0 – 1 with an abstention from Mr. Forbes, not in attendance at the April 24th meeting.

Presentation: Mr. Bill Howe, President of the Tri-Town Safety Village –Mr. Howe stated that the purpose of the presentation was to express their gratitude for the support they have received, provide an update on their programs, report the progress to date and explain their fund raising activities. The presentation concluded with a request for assistance in publicizing their activities and Ms. Teibel stated that she would do a feature story for the front page of the town's website.

New Business

Consider Resolution # 08-05-29, a resolution adopting the 2008 Park and Recreation amendment regarding Impact Fees – Mr. Kil summarized the activities of the Park Impact Fee Advisory Committee and their recommendation. He stated that the Plan Commission adopted a resolution after conducting a public hearing and approved a revised Impact Fee. The proposed fee is \$1,652.00 from its' current amount of \$834.00 and state law requires this is reviewed every five years. Discussion ensued including the six-month time line for implementation.

Mr. Forbes motioned to adopt Resolution # 08-05-29 as submitted. Seconded by Mr. Volk. Roll call vote: Ms. Teibel, No; Mr. Forbes, Yes; Mr. Volk, Yes; Mr. Barenie Yes; Mr. Fryzel, No. Motion passed with a vote of 3 – 2.

Consider Ordinance # 1471, amending ordinance # 1295 establishing an equitable Impact Fee – Mr. Kil stated that this is the enabling ordinance that was prepared by Mr. Austgen's office and follows the resolution to implement the new fee.

Mr. Forbes motioned to consider Ordinance # 1471 as provided on first reading. Seconded by Mr. Volk. Motion passed with a vote of 3 - 2 with Ms. Teibel and Mr. Fryzel voting no.

Consider Ordinance #1472, introducing ordinance for annexation of approximately 540 acres on the east side of St. John – Mr. Kil stated that Mr. Muenich, who has been retained by the Town, can answer questions. Mr. Muenich stated that the Public Hearing has been set up for August 21st and the Annexation Ordinance could be adopted at the meeting on

September 25th. **Mr. Volk motioned to consider Ordinance #1472 on first reading only for the annexation of 540 acres on the east side of St. John. Seconded by Mr. Forbes. Roll call vote: Mr. Barenie, Yes; Mr. Forbes, Yes; Mr. Volk, Yes; Ms. Teibel, Yes and Mr. Fryzel, Yes. Motion unanimously passed.**

Consider Resolution # 08-05-29A, a Fiscal Plan for Annexation of approximately 540 acres on the east side of St. John - Ms. Teibel motioned to adopt Resolution # 08-05-29A. Seconded by Mr. Barenie. Motion unanimously passed.

Consider Saddle Creek reduction in Letter of Credit to \$641,359.40 (favorable recommendation from Plan Commission) – Mr. Forbes motioned to approve the reduction in the Letter of Credit for Saddle Creek. Seconded by Ms. Teibel. Motion unanimously passed.

Consider request from Lake Central School Corporation to waive building permits fees for renovation – Mr. Kil stated that Mr. Larry Wood, representing the high school, is in the audience if there are any questions and stated that the amount they are asking to waive is \$10,966.00. Discussion ensued. Mr. Forbes motioned to deny the request to waive the building permit fees. Seconded by Ms. Teibel. Motion unanimously passed.

Consider annual donation to the St. John Volunteer Fire Department in the amount of \$10,000.00 – Mr. Fryzel stated that this is for their training site and the yearly donation they make towards that. Ms. Teibel motioned to approve the annual donation to the St. John Volunteer Fire Department. Seconded by Mr. Forbes. Motion unanimously passed.

Request permission for Charity 5-K Run behind Lake Central High School on Saturday June 14, 2008 – Mr. Kil stated that he was approached by one of the residents in that area, this is for the young man who was injured very badly at football practice earlier this year. If approved he and Chief Frego will work with the people running the event. Discussion ensued. Ms. Teibel motioned to approve the 5-K run behind Lake Central on Saturday, June 14, 2008. Seconded by Mr. Barenie and Mr. Forbes in unison. Motion unanimously passed.

Reports & Correspondence

Town Council

Ms. Teibel stated that the festival begins one week from tonight and asked for volunteers.

Mr. Barenie thanked Ms. Sury and Mr. Kil for compiling the financial results and projections that they received tonight and referenced the reports from Mr. Jim Bennett, Financial Advisor. Mr. Barenie recommended that sometime in the future, Mr. Bennett do this on perhaps an annual or quarterly basis, it is more of a financial report than an A/P journal.

Mr. Volk asked Mr. Kil if the paving of 93rd from the “S” curve on down is still on schedule for next week. Mr. Pharazyn stated that it is and there is a small chance it could be moved ahead a week.

Clerk-Treasurer – None

Staff

Mr. Pharazyn stated that they are in the process of installing new water mains on Forest Drive; they are 75% complete. Fireworks are on July 5th at dusk with a rain date of July 6th. Norfolk Southern Railroad repaired the crossing at 85th Avenue and Bingo Lake Road; there is a possibility that the crossing in front of the Town Hall will be done this year. The new bathroom facility at Prairie West Park will be opening this weekend. The locks on the bathrooms were set up with timers. The bathrooms will be open from 8:00 A.M. to 8:30 P.M. Mosquito abatement begins on or about June 9th; they will be spraying for about 2 ½ hours per night, it will take about a week to get through the entire town. Pellets will be put in ponds, when they run out they will just be spraying for the remainder of the season.

Mr. Sobek stated that they are progressing with their summer programs and some have started already. Signs have been put up for the free concerts; the signs were donated by Community Hospital and donations by some of the local businesses to help promote the concerts. Girl Scout Troop #192 volunteered to plant one of the planters at Lantern View Park with the plants being donated by the T&J Landscaping.

Ms. Teibel asked if they were taking advantage of the newspapers **The Post**, **The Times** and the **Shopper**, they would print stories about upcoming events and everything. Mr. Sobek stated that he has the e-mail addresses.

Chief Frego provided the monthly report for the month of April (Exhibit A).

Chief Frego requested permission to have August 5th declared as a “National Night Out”. They would like to have it at Prairie West Park this year and they are going to have the canine out there, police officers and possibly refreshments. **Ms. Teibel motioned to declare August 5, 2008 “National Night Out” in St. John. Seconded by Mr. Barenie. Motion unanimously passed.**

Chief Frego stated that he has also received a request from a resident of St. John; for permission on June 7th to conduct a fundraiser on US 41 and 93rd for his organization. They provide care packages and letters for the troops in Iraq, the organization has a website treatsandletters.org. Ms. Teibel mentioned that this is a festival day. Chief Frego stated that there are alternate days. Discussion ensued regarding the dangerous intersection and that this will be the last fundraising event at that intersection.

Chief Frego reported that they were awarded a \$10,000 grant for the DARE program from the Drug Free Alliance of Lake County and also received a Justice Assistance Grant (JAG) for \$9,000 to purchase equipment. They’re purchasing some cameras, printers and drug education material.

Chief Willman thanked the Council for their positive reaction to their donation request and provided the April monthly report (Exhibit B).

Mr. Mainwaring stated that on May 9th a class on erosion control was held at the Police Department with about 35 builders in attendance. The class was very successful and they hope to hold another class next year.

Mr. Kil asked for authorization to employ the firm of Cender & Associates to assist the town with annexation proceedings. Discussion ensued. **Mr. Forbes motioned to engage Cender & Associates for the purposes of the review of the fiscal plan for the annexation as the Council discussed in the Executive Session. Seconded by Mr. Volk. Roll call vote: Mr.**

Forbes, Yes; Mr. Volk, Yes; Mr. Barenie, Yes; Ms. Teibel, No; Mr. Fryzel, No. Motion passed with a vote of 3 - 2.

Mr. Kil stated that he has a request from the Fire Department. They have been working for the past 12 months for their own frequency for the Fire and EMS services. The cost is \$32,295.00 and can be paid for out of the Cumulative Fire Fund, designed solely for Fire Department purchases or items related to the Fire Department and Public Safety. **Ms. Teibel motioned to approve Miner Electronics to do the work for the new frequency system in the amount of \$32,295.00. Seconded by Mr. Barenie. Roll call vote: Mr. Forbes, Yes; Mr. Volk, Yes; Mr. Barenie, Yes; Ms. Teibel, Yes and Mr. Fryzel, Yes. Motion unanimously passed.**

Mr. Kil stated that he also had a request from Bar Louie. They formed a team for the “Relay for Life” event for the American Cancer Society. They want to raise funds by holding a garage sale on Saturday, May 31st and Sunday, June 1st and all the proceeds will go towards the event. They would also like to hold a car wash on June 8th. Discussion ensued. **Ms. Teibel motioned to allow this event as long as Denny Myers approved it, who is the property owner, and to waive the \$5.00 fee for the garage sale permit that will be on the 31st and the 1st of June and the car wash being on June 8th. Seconded by Mr. Forbes. Motion unanimously passed.**

Payment of Bills for the Corporation #7838 - #8030 for \$2,133,361.96 - Ms. Teibel motioned accept vouchers #7837 – #8030 in the amount of \$2,133,361.96. Seconded by Mr. Barenie. Mr. Forbes asked for clarification on the APV’s pertaining to training and travel on April 17, discussion ensued. **Motion unanimously passed.**

Public Comment

Attorney Dave Wickland stated that he is representing Sofia Panagakis, the owner of some land just east of Tiburon, who is also a business owner in St. John. He would like to advise the Council of the plan she has for her property. Last week they received approval for County zoning R-2 and previously received approval for St. John sewer and water. They are at this meeting to solicit input from the Town Council and provide an update. Ms. Teibel asked if there will be a homeowner’s association and if they incorporate, would each home be owner occupied. Mr. Wickland added that the St. John subdivision ordinance would be implemented. Mr. Volk asked if the annexation moves ahead faster than anticipated will he lose the zoning approval of the county. Discussion ensued.

Ms. Patty Byers, 9111 Cline Avenue, Crown Point - asked if the commitments made by the County are legal and who could enforce the commitments. Can the town enforce a commitment made to the County? Mr. Austgen responded that a zoning commitment is a statutory mechanism for binding a parcel of land in a zoning application to a set of criteria that are volunteered by the petitioner and/or required by the legislative body after the Plan Commission Acts. The zoning commitment is enforceable if the underlying zoning ordinance, which is the subject of the zone change, provides the proper criteria for the establishment of a zoning commitment. The proper question should be is the county zoning ordinance compliant with State Law to permit a validly submitted zoning commitment. The answer is no, in his (Mr. Austgen’s) opinion. He added that it could create an issue of validity for enforcement.

Mr. Wickland added that he agrees with Mr. Austgen, there are two cases in Indiana that address the issue, both in Lake County. The Appellate Court decision stated the legislative body, in this case, the Lake County Council, could attach these commitments, regulations etc. to

an appropriate plan or change. Regarding the issue of enforcement, because they are recorded, they can be enforced by individuals and not just communities. Mrs. Panagakis is fully prepared to record them and abide by them.

Adjournment – Ms. Teibel motioned to adjourn the meeting. **Seconded by Mr. Forbes. Motion unanimously passed.** Meeting adjourned at 8:25 P.M.

Attest:

Sherry P. Sury, Clerk-Treasurer