

ST. JOHN TOWN COUNCIL REGULAR MEETING
ST. JOHN MUNICIPAL BUILDING MAIN MEETING ROOM
10955 W. 93RD AVENUE, ST. JOHN, INDIANA
AUGUST 21, 2008 – 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; Michael Forbes, Member, David Austgen, Attorney; Steve Kil, Town Manager and Sherry Sury, Clerk-Treasurer. Also in attendance were Fred Frego, Police Chief; Fred Willman, Fire Chief and John Mainwaring, Code Enforcement Officer. Absent were Bob Pharazyn, Director of Operations and Chip Sobek, Parks Superintendent.

Presentation: St. John Girls Softball - 8 yr Division – First Place & 10 yr Division – First Place - The softball team Manager and Commissioner, Mr. Mike Livingston provided an update of the accomplishments of the division. The teams presented their awards to the town and thanked the Council for the facility.

Public Hearing - Proposed Annexation Ordinance #1472 of approximately 540 acres on the East Side of St. John - Mr. Michael Muenich introduced himself and stated that he is representing the Town of St. John in regards to the annexation of approximately 540 acres of property on the east side.

Proofs of Publication – Mr. Muenich stated that the published legal notices in **The Times** and the **Gary Post Tribune** have been presented to the Clerk-Treasurer and finds them to be in order. In addition his office executed and issued approximately 540-550 certified mailings to the residents and owners of property. His affidavit concerning that service has also been filed and he finds those notices and publications to be in order for the Public Hearing tonight.

Opening Remarks – Mr. Muenich stated that tonight is a matter solely for the public hearing and to take public comment on the annexation. After the close of the public hearing and the acceptance of any remonstrance's that may be filed, not approval, just acceptance; the Council may not for a period of 30 days adopt a final annexation ordinance but they must within 60 days adopt that ordinance. According to Mr. Kil the next meeting that would fall within that range is September 25th. After adoption is needs to be republished, there's a publication period of 90 days, if it is adopted at the meeting of the 25th the ordinance could be finalized as early as December 26th, if adopted at the end of that 30 day window it would be acceptable in the month of January 2009. The fiscal plan has already been approved by the Council and the ordinance has been adopted on first reading.

Mr. Kil stated that the east side annexation is about 540 acres and includes the subdivisions of Tiburon and Grouse Point, it covers the Backe Farm; it basically goes from on the west side the boundary of Sierra Point, there's 40 acres of Baacke Farm it goes over to Tiburon, next to Tiburon is the Panagakis parcel which is included. Nothing on the east side of Blaine. It comes back to Blaine, south to 101st and then back to the corporate limits of town.

Town Council Comments – None

Open to the Floor

Mr. Tim Mitchell, 7850 West 91st Place – Stated that he lives in Tiburon, Phase One. He referenced the recent communications with Mr. Kil and stated that there are several parcels in Tiburon that are common ground, a park, a couple of retention ponds and couple of other areas which is under a homeowners' association. The majority of Tiburon's homeowner association dues are to maintain and pay taxes on the retention ponds and park. The association does not pay for snow and trash removal. With the annexation they would like the town to assume financial responsibility for the maintenance of the retention ponds, parks and the taxes.

Mr. Michael Budack, 9155 Morse Place in Tiburon – Stated that he is the President of the Tiburon Homeowners' Association and would like to see how the Town feels about the association donating those common areas to the Town of St. John or to arrange a meeting with the Board to discuss the possibility of donating the land which consists of two detention ponds, a park and a fence line along 93rd Avenue and a fence line along Cline Avenue. Currently the maintenance budget is between \$9,000 - \$10,000 for mowing, \$3,000 - \$4,000 for weed control, \$2,000 for additional insurance and about \$250.00 per year property tax. They also maintain the entrances on Cline Avenue. He stated it is an estimated area of 15 – 20 acres. Discussion ensued. Mr. Budack requested that a meeting be scheduled to get discussion started and once he knows how the Council feels about the donation, he needs to hold a vote with the Association members. Mr. Kil asked Mr. Budack if the park is developed and if the expectation is for the Town to develop the park. Mr. Budack stated that it is not developed and that they would like the town to develop the park. This would be part of the negotiations. Mr. Kil asked to meet with Mr. Budack so he can create some kind of budget to present to the Council. Discussion ensued.

Mr. Joe Wein, 8408 West 101st Avenue – Asked to make a formal request that the Town opt to forgive the tax figure rate for their 89 acre parcel key numbers 023-0019-0013 and 0014, 0911-0025. It is his understanding that such requests have been honored in the past for agriculture acreage once annexed by the town and would like the same consideration that his neighbor farmer, Don Barman got about six years ago when The Gates of St. John opened up.

Mr. Steve Backe, Dyer – Stated that he has the same request as Mr. Wein. He knows the Council has received the paperwork from the trustee of the Backe family trust and requests that they get some kind of legal document on that returned to the trustee so they have some kind of paperwork based on the request.

Mr. Kil mentioned he has the request from the Backe family trustee, he has Mr. Wein's request and he also has a request from Ms. Kathy Pasek who owns the 20 acres of the southwest corner of 93rd and Blaine. All of these individuals have large farms. He asked Mr. Muenich to verify that the current annexation and the zoning shows these all zoned as open space and eligible for this. They did it the same as they did for Mr. Barman and forgave the corporate property taxes for a period of ten years which is the maximum amount allowed by law.

Mr. Fryzel asked Mr. Muenich if all the properties in question are open space. Mr. Muenich replied all the parcels that are currently under agricultural tillage are zoned as open space. Mr. Muenich added that the only parcels that are not zoned open space, which is the closest zoning the town has to agricultural, is the Tiburon parcel and the Grouse Pointe parcel, there are also 4-5 houses along 101st west of Blaine that are R-1 because they meet the R-1 standard, Tiburon and Grouse Point are zoned as R-2. Mr. Muenich stated the process is to provide a certification to the landowner that the land it is zoned for a use appropriate with agricultural, the landowner must actually process the document with the Lake County Auditor's and the Lake County Assessor's office.

Closed to the Floor

Mr. Muenich stated there is no further action the Council can take this evening. He commented regarding the issue presented by the Tiburon Homeowners' Association. Generally Homeowners Associations are created either through a statute; some sort of a corporation, an LLC, there is an entity. Generally it is provided with some sort of a property declaration and covenants that ride with the subdivision. The town would not be in a position to accept real estate from those entities except in accordance with the covenants or the declaration and the Town could not under any circumstances accept that property until the annexation was completed and the filing was made. The negotiations are fine, he wants the Council to understand there is a disconnect between the annexation process and the manner and method in which this property is brought. He referred the Council to Mr. Austgen for review and final determination.

Mr. Muenich referenced a letter from Attorney Dave Wickland regarding the Panagakis property and the publication that was originally set as "OS". Mrs. Panagakis is currently in front of the Lake County Plan Commission and Lake County Council for the subdivision of that parcel. She has proceeded through a public hearing, a primary plat has been approved, a rezoning has been effectuated and that they are requesting that the town provide them with the courtesy to adopt; they are willing to meet the Town's specifications for engineering and subdivision development. They are requesting that their concept plan, which meets about 90-95% of the R-2 density issues, they are asking consideration of that property be zoned and she be allowed to develop as she has expended a considerable amount of money getting to the stage she is at and is fearful of having to start the process over. Mr. Muenich asked that the council decide by the September 25th meeting as he would have to amend the ordinances and the legal descriptions of that zoning classification. Discussion ensued.

Ms. Teibel motioned to place Ordinance #1472 on the September 25, 2008 agenda for adoption. Seconded by Mr. Barenie. Motion unanimously passed.

Ordinance #1474 – Continued Public Hearing from July 31, 2008 Town Council Meeting

Open to the floor for Comment

Attorney Bob Selund stated that he is from Highland and is representing the following people on this annexation: Parcel 2, owners Neil Florek and Phyllis Bergiel; Parcel 4 owner Adolph and Jeanne DeGrawe; and Parcel 5 owner Vern L. Buchmeier. He said the Town has been very cooperative in working with his client's needs. He has been working with Attorney Tim Kuiper and he knows through Tim that Mr. Kil has been very cooperative and helpful and after several revisions of the proposed ordinance it is a win/win situation. He wants to thank the town for their cooperation.

Closed to the floor

Mr. Kil stated the only change to the document is in response to a request by Ms. Eva Howes this afternoon, to keep her horses on her property, Parcel B.

Ms. Teibel motioned to consider Ordinance #1474 on first reading only. Seconded by Mr. Barenie. Motion unanimously passed.

Mr. Austgen asked if the second reading will be on the next public meeting in September. Mr. Kil stated that would be on September 18th.

New Business

Consider Resolution #08-07-31 a resolution approving a fiscal plan related to the proposed voluntary annexation of certain real property - Mr. Forbes motioned to adopt Resolution #08-07-31. Seconded by Mr. Barenie. Motion unanimously passed.

Consider acceptance of professional services agreement with Carl Cender and Company as the Town's Financial Advisory Firm – Mr. Volk asked Mr. Barenie if he met with the Sanitary Board and Mr. Cender. Mr. Barenie stated that he did not meet with the Sanitary Board; he did meet with Mr. Cender and Mr. Bennett and was provided with more of their work history and feels comfortable with that group. **Ms. Teibel motioned to approve the agreement with Carl Cender and Company as the Towns' FA and to authorize the Town Council President to sign. Seconded by Mr. Barenie. Motion unanimously passed.**

Consider Ordinance #1473, amending Salary Ordinance #1456 and #1465 (amendment to language) – Mr. Fryzel stated that this is to take part of Mr. Kil's and Mr. Pharazyn's salaries and have the utility board pay a portion of that. Mr. Kil stated that it splits it up among five separate funds. Discussion ensued. **Ms. Teibel motioned to consider Ordinance #1473 on first reading. Seconded by Mr. Barenie. Motion passed with 3 ayes and 2 nays by Mr. Volk and Mr. Forbes. Mr. Fryzel stated that this would be put on the next agenda for adoption.**

Consider Ordinance #1475, zoning ordinance text amendment regarding Brick Fascia Construction – Mr. Austgen confirmed that this imposes the brick fascia construction requirement to the zoning ordinance to all commercial zoning district parcels. **Mr. Forbes motioned to adopt Ordinance #1475 regarding the brick fascia in commercial districts. Seconded by Ms. Teibel. Motion unanimously passed.**

Reports & Correspondence

Town Council

Ms. Teibel mentioned that at the last Police Commission meeting Commander Chapranda stated that in four subdivisions in town, the street signs are not reflective and the fire and police departments are having a hard time locating these streets at night. She asked if the town has an ordinance that the street signs must be reflective in nature. Discussion ensued. Mr. Austgen suggested that Mr. Kil look at the design criteria in the subdivision ordinance. If there is nothing in there it is advisable to get a good spec, put that design criteria for the street sign material in the subdivision control ordinance and have a caveat or a tag to it that says "or other appropriate material as approved by the town".

Mr. Barenie stated that he looked at the August 8th report from Mr. Bennett. He suggested possible miscellaneous revenue sources such as garbage collection and fire hydrant fees. Discussion ensued regarding the significant increase in the cost of road salt (from \$36 and change a ton to \$101.96 a ton) and the viability of having the salt delivered by rail to reduce costs.

Mr. Fryzel referenced the streets that have the turn circles and stated that some people are cutting in the wrong way in the turn circles, he suggested they put signs or arrows on the streets

to get the people to go the right direction so the police can enforce any violations. Mr. Kil stated that he would come up a striping plan.

Clerk-Treasurer – None

Staff

Mr. Kil provided the new construction summary as of July 31st: 59 single family homes, 12 duplexes and six townhome units and 2 commercial units. They are hoping to be on track for their 100th permit. He stated that they received a really nice letter from the Town of Highland for the help they received from St. John when the tornado hit Highland and Griffith and expects to receive a letter from Griffith as well. Mr. Kil confirmed that they will be reimbursed by the Department of Homeland Security.

Chief Willman requested funds for the final piece of equipment for the radio frequency; this includes all the portable and mobile radios that are necessary. This will all come from the Cumulative Fire Fund which is designated for firefighting and for radio communication equipment. This will complete the equipment; they will be on the same frequency as Lake Hills. The total amount is \$28,040.00. **Ms. Teibel motioned to approve the amount of \$28,040.00 to purchase the communications equipment as outlined by Chief Willman. Seconded by Mr. Barenie. Motion unanimously passed.**

Public Comment

Mr. Fryzel expressed condolences to Ms. Teibel on the passing of her stepfather on behalf of the Town Council, Clerk-Treasurer and Town Attorney.

Adjournment - Mr. Forbes motioned to adjourn the meeting. Seconded by Ms. Teibel. Motion unanimously passed. Meeting adjourned at 8:08 P.M.

Attest:

Sherry P. Sury, Clerk-Treasurer