

ST. JOHN TOWN COUNCIL REGULAR MEETING
ST. JOHN MUNICIPAL BUILDING MAIN MEETING ROOM
10955 W. 93RD AVENUE, ST. JOHN, INDIANA
December 30, 2009 – 7:00 P.M.

Mr. Barenie called the meeting to order at 7:02 P.M. and led the Pledge of Allegiance. Roll call was taken with the following members present: Mark Barenie, President; Michael Forbes, Vice-President; Gregory Volk, Member; David Austgen, Attorney; Steve Kil, Town Manager and Sherry Sury, Clerk-Treasurer. Also in attendance were Fred Frego, Police Chief and Fred Willman, Fire Chief. Absent were Michael Fryzel, Member; Jerri Teibel, Member and Chip Sobek, Parks Superintendent.

Public Hearing

Ordinance #1503, an ordinance authorizing a change in sewer rates based solely upon a change in the cost of wastewater treatment at the Schererville Wastewater Treatment Plant

Mr. Austgen stated that the Proofs of Publication are in evidence they meet the requirements of law, the Public Hearing has been properly advertised and may be conducted. The Clerk's certification with a notice posting has also been provided.

Mr. Forbes clarified that this increase is due to the increase of cost from the Schererville Treatment Plant. They have worked throughout the year(s) trying to do different things and have been trying to prevent rate increases. This is something that is beyond their control; it is something that happens as a result of the biennial rate study.

Mr. Barenie opened the meeting to the floor.

No public comment.

Mr. Barenie closed the meeting to the floor.

Mr. Forbes motioned to consider Ordinance #1503 on first reading. Seconded by Mr. Volk. Motion passed with a vote of 3 - 0.

Mr. Forbes motioned to adopt Ordinance #1503. Seconded by Mr. Volk. Motion passed with a vote of 3 - 0.

New Business

Ordinance #1497, an ordinance establishing PILT for the Waterworks District – Mr. Volk suggested that they explain what this is to the audience. Mr. Kil referenced the ordinance and stated that PILT stands for payment in lieu of taxes. Since the municipal utility is not subject to paying taxes; they do a calculation of taxes as if it was a privately owned utility, somewhat like that, and then the utility would make a payment to the town in lieu of making tax payments because they are not required to. Mr. Austgen added that no taxes are being paid, these are imputed. This is an imputed calculation that is permitted under §8-1.5-3-8 (Rates & Charges) as a component of rate measure that may be imposed if the legislative body, by Ordinance, adopts same. This is an item that has been reviewed by the Town's financial advisors, calculations and reports have been provided and are on file here regarding this. The Water Board has reviewed

the rate report recommendations that are the subject of the ordinance content, but the Town does not, as a tax-exempt municipal corporate entity pay taxes. It's an imputation. Mr. Kil added that it does come with a favorable recommendation from the Water Board.

Mr. Forbes motioned to consider Ordinance #1497 on first reading. Seconded by Mr. Volk. Motion passed with a vote of 3 - 0.

Mr. Forbes motioned to adopt Ordinance #1497. Seconded by Mr. Volk. Motion passed with a vote of 3 - 0.

Ordinance #1498, an ordinance establishing PILT for the Sanitary District – Mr. Austgen stated this is a parallel ordinance to the previous ordinance consideration except for the Sanitary or Wastewater side of the utility function of the Town. This ordinance unlike the previous ordinance however, does not prescribe an amount of payment in lieu of tax to be paid in the calendar year 2009 but rather simply establishes the right of the Town Council as a legislative body to so charge the PILT in future years on an individual basis and takes care of the enabling component. The rate recommendation from the financial advisors to both the Utility Board and to the Council is that the rates would not adequately sustain a PILT payment this year given the current revenue stream, so hence, there is none. It is an enabling ordinance only. Mr. Forbes mentioned that it is reviewed every year to see if a PILT payment can be sustained. Mr. Austgen added that both utilities will have an annual review for that purpose and the Council will annually check off or decline to check off for a PILT payment.

Mr. Forbes motioned to consider Ordinance #1498 on first reading. Seconded by Mr. Volk. Motion passed with a vote of 3 - 0.

Mr. Forbes motioned to adopt Ordinance #1498. Seconded by Mr. Volk. Motion passed with a vote of 3 - 0.

Resolution #09-12-30, a resolution authorizing a transfer of appropriations – Mr. Barenie stated that these transfers are typical for the year-end. **Mr. Forbes motioned to adopt Resolution #09-12-30. Seconded by Mr. Volk. Motion passed with a vote of 3 - 0.**

Resolution #09-12-30A, a resolution authorizing the extension of temporary loans – Mr. Forbes motioned to adopt Resolution #09-12-30A. Seconded by Mr. Volk. Motion passed with a vote of 3 - 0.

Resolution #09-12-30B, a resolution authorizing the encumbering of funds – Ms. Sury stated this resolution addresses the bills they anticipate to receive and pay next year that were for 2009. **Mr. Forbes motioned to adopt Resolution #09-12-30B. Seconded by Mr. Volk. Motion passed with a vote of 3 - 0.**

Reports & Correspondence

Town Council

Mr. Forbes stated that he would like to change the Town Council Meeting from the third Thursday to the second Thursday so they have two weeks in between meetings. Mr. Forbes added that the meeting on the third Thursday is in conflict with the Lake County Solid Waste meeting of which he is the town representative. Ms. Sury stated that the Town receives grant money from them and attendance is important. Discussion ensued, it was decided that the

meeting schedule change would not present a problem. Mr. Volk stated that any changes to the Plan Commission meeting would wait until the new members are appointed.

Mr. Barenie referenced a note that he received from a resident who was having problems with the 93rd Avenue project and summarized its contents. She congratulated them on a great job on 93rd Avenue and completing the project before the bad weather set in, that in spite of the tough economy the tree lighting was fantastic and it has become a family tradition. A special thanks for balancing the budget, a great idea on the calendar and her thanks to all town officials and employees for doing such a great job around town was also expressed.

Clerk-Treasurer – None

Staff

Chief Willman read his November Activity Report.

Chief Frego read his November Activity Report. He added that on December 12th they participated in the Wal-Mart Shop with a Cop program for the 5th year. They were able to take care of seven children.

Mr. Kil wished everyone a Happy New Year.

Payment of Bills for the Corporation – APV's #9197 - #9527 for \$1,597,115.36 - Mr. Forbes motioned to pay the bills of the Corporation general APV's #9197 - #9527 for a net actual amount of \$1,597,115.36. Seconded by Mr. Volk. Motion passed with a vote of 3 - 0.

Public Comment

Bill Dravesky, 9038 Howard Court – referenced the pumping station on 93rd west of White Oak. He stated that the outside light has been out for over a week and asked if the light had been turned off, is it burned out. Mr. Kil stated that he would have someone look at it. Mr. Dravesky stated that about three weeks ago after it rained, it took two guys to clean off the manhole cover and they just pushed the leaves aside rather than take the leaves. He asked why it takes two employees to do that and why didn't they take the leaves with them. Mr. Forbes stated that they might have been in the area doing something else, stopped and cleaned it out real quick. Discussion ensued.

Wally Costenaro, 8713 Lantern Drive – stated that he received a notice from Building & Planning on Christmas Eve regarding an abandoned vehicle on the side of his garage. He stated that it is a 1947 Republic CV aircraft that is covered with camel tarps and has had it there a couple of years. He referenced the notice that stated that he had to move the abandoned vehicle off the property. Mr. Costenaro stated that he sent an e-mail to Building & Planning and has not heard back. While he was looking up what the code (Ordinance #1322) was on the Internet, saw there was a meeting tonight and stated that he would like to keep his airplane; it's on his driveway. It is not abandoned; it is an expensive piece of equipment, he is doing a costly refurbishing on it, and needs to know what steps he needs to take.

Mr. Kil stated that the ordinance is silent on aircraft on driveways; it is interpreted as something as inoperative in the driveway. His only remedy would be to go before the Board of Zoning Appeals for a variance. Mr. Austgen suggested he meet with Mr. Kil and Mr. Mainwaring and discuss his options.

Adjournment – Mr. Forbes motioned to adjourn the meeting. Seconded by Mr. Volk. Motion passed with a vote of 3 - 0. Meeting adjourned at 7:33 P.M.

ATTEST:

/s/ Sherry P. Sury, Clerk-Treasurer