

ST. JOHN TOWN COUNCIL REGULAR MEETING
St. John Municipal Building Main Meeting Room
10955 W. 93rd Avenue, St. John, IN
March 11, 2010

Mr. Barenie 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: Mark Barenie, Member; Michael Forbes, Member; Gregory Volk, Member; Michael Fryzel, Member; Jerri Teibel, Member; David Austgen, Attorney; Steve Kil, Town Manager and Sherry Sury, Clerk-Treasurer. Also in attendance were: Assistant Police Chief Chapranda for Chief Frego and Fred Willman, Fire Chief. Absent was Chip Sobek, Parks Superintendent.

New Business

Consider bid award for New Ambulance (\$125,502.00) – Mr. Kil referenced a letter from the Fire Chief that was in the Council member's packages and echoed the Fire Chief's comments that they should award to the lowest bidder, the lowest responsible bidder in the amount of \$125,502.00. **Mr. Fryzel motioned to award the bid to Fire Services in the amount of \$125,502.00. Seconded by Ms. Teibel. Motion unanimously passed.**

Ordinance #1514, an ordinance establishing a Park Department Donation Fund – Ms. Sury stated that both, the Fire and Police Departments have a donation fund but the Parks Department does not. On occasion the Parks Department receives donations from banks and businesses for different parks programs and a fund is needed to deposit these donations so that the intended donations can be spent. **Mr. Forbes motioned to consider Ordinance #1514 on first reading. Seconded by Ms. Teibel. Motion unanimously passed.**

Mr. Fryzel motioned to adopt Ordinance #1514. Seconded by Mr. Forbes. Motion unanimously passed.

Follow-up on residents' request to look into builder issues – Mr. Barenie welcomed everyone to the Council meeting. He stated that the purpose of the meeting and the invitation to the residents is a fact-finding mission to start with. Through the process they will centralize the information. Various Council members, various staff members and other Town officials have all received information, so they are going to try and centralize and organize the information.

He emphasized that the Council will oversee this project in its entirety. After they have received the information they will set up a meeting with key builder representatives, have a discussion; plan another meeting based on their findings tonight and what they have put together from the meeting of the representatives of the builders. They will then contact the residents again regarding what will happen and will discuss potential remedies that will hopefully be a win/win situation. Mr. Barenie stated that they also want to find out how the process broke down that it took the several members of the Council so long to find out that there were these problems. He also discussed expectations, stated that he is aware there might be items that don't turn out the way the residents feel they should have, and wants to make sure the residents have reasonable expectations.

Mr. Volk added that it's very important that the people understand that the Council takes this very seriously. The mailing list was based on building permits and that they may want to ask their neighbors if they received the letters. He stated that he has personally looked at some of

these items and was shocked by some of it and was more surprised that the contractor hasn't responded better. Mr. Volk stated that is what the Council will be looking for.

Mr. Forbes thanked the audience for their patience; he added while they can address some things, they probably couldn't address others. They hope to find some satisfaction on the majority of the problems and issues that are out there.

Mr. Barenie thanked the residents for their attendance and stated that some of their comments hit home and that they will do their best. He asked if anyone wanted to make a comment at this time regarding this specific topic instead of waiting until the end of the meeting and referenced the other items on the agenda. It was confirmed that comments would be heard at the end of the meeting.

Mr. Barenie stated that they needed to add an item to the agenda, the St. John Township Fire Protection Contract. **Mr. Forbes motioned to amend the agenda to include the St. John Township Fire Protection. Seconded by Ms. Teibel. Motion unanimously passed.**

St. John Township Fire Protection - Mr. Kil stated that Ms. Jean Shepherd, the Township Trustee, approached the Town regarding servicing an area in the Township. He met with Ms. Shepherd, the Fire Chief, the Police Chief and Mr. Forbes to discuss the parameters of covering this area such as the boundaries of the area, staffing, call volume, and compensation. They concluded they will not require additional staffing or equipment and they will respond to fire, EMS and ambulance service. It is their recommendation that they honor the request of the Township Trustee and that the Council act accordingly.

Mr. Forbes added that they had a good meeting and the timing is really good, especially with the purchase of an additional ambulance. The addition of this area is not a burden to the Town and will not negatively impact the service of the Town. They have mutual aid with Lake Hills and thinks they are in a good position to assist the Township in this.

Mr. Barenie asked Ms. Shepherd who previously covered this area. She stated that the Town of Dyer covered this area and has not received anything from them after their contract was up. She stated that she has made several efforts to contact them and added that the cost from Dyer is \$5,000 more than what the Township is offering them. Mr. Fryzel stated that this is the same area Dyer is trying to annex. Discussion ensued. Chief Willman confirmed that they have provisions within their own department to handle the number of calls and responses that are out there. They also have auto aid – they are dispatched on the same frequency as Lake Hills so both departments are dispatched at the same time, they also have access to a tanker simultaneously. **Ms. Teibel motioned to enter into the supplemental agreement proposed by the St. John Township Trustee for the Town of St. John. Seconded by Mr. Forbes. Motion unanimously passed.**

Reports & Correspondence

Town Council - Mr. Forbes stated that the Farmer's Market is usually run by Michelle Haluska who is now a 32-hour per week employee. He stated that Ms. Sury suggested that they pay Ms. Haluska eight hours a week from the Farmer's Market Fund, currently funds are available. Ms. Teibel stated that she is concerned that Ms. Haluska is being flipped flopped by working 40 hours for six months and 32 hours for six months. Mr. Barenie stated that he spoke with her and she is quite pleased with the agreement. Ms. Teibel stated that she spoke with her and she is a little insulted with the agreement. Mr. Fryzel questioned if they could legally pay her from

this fund. Mr. Austgen confirmed that yes; the Council could use this fund for payroll if the Council so designates.

Mr. Forbes added that they are looking into lowering the cost of the Farmers Market. One of the items they are looking at is the cost of Porto-pots. Discussion ensued. Mr. Kil stated that he is going to look into that.

Mr. Forbes motioned that they pay Michelle Haluska eight hours a week for the Farmer's Market event from May through October and to increase her workweek to 40 hours during that period. Seconded by Mr. Volk. Motion unanimously passed.

Mr. Forbes asked if they are going to do the Town wide garage sale the first week in May. Ms. Teibel stated that absolutely, they are working on the map and asked if they would like to have businesses sponsor the map. She stated that she has had inquiries from many local businesses wanting to advertise on the maps. Discussion ensued and included the feasibility of this in relation to the size of the maps that are 11 x 17 that are distributed. Mr. Kil asked for confirmation that the time frame would be April 29th – May 2nd. Discussion ensued. **Ms. Teibel motioned to hold the Annual St. John Town Wide Garage Sale for 2010 commencing April 29th through May 2nd and waive the typical garage sale fee and it does not count against your maximum garage sales per year. Seconded by Mr. Forbes. Motion unanimously passed.**

Clerk-Treasurer - Ms. Sury stated that she has received several calls regarding the census form having a Dyer address on it instead of St. John that caused confusion for the town residents. Mr. Kil stated that the designation of the town was Dyer but the zip code was St. John. The designation of where they are counted is based on the zip code. The postal districts do not pay attention to the corporate boundaries of the Towns, which is why the town name is different. Discussion ensued.

Staff – Mr. Kil stated that the traffic signal at #231 and Parrish is operational now; he said that fixing the lines at #231 and Park Place was just approved by INDOT.

Public Comment

Ms. Johanna Parrish, 9124 Columbia Street, St. John – stated that as a follow up from previous meeting regarding the health status of St. John, she gave the Council members a copy of the evaluation she completed for her class.

Mr. Robert Ash, 10356 Adler Cove – stated that it is Philippe Builders that they are having problems with and asked if the Council wants simple forms or all the documentation. Mr. Barenie stated that they would like a summary page and the backup documentation; the Council would like the details, detailed documentation – when contacts were made, discussion, etc. Mr. Austgen recommended that the Council get any information they can get.

Ms. Stacy Zilz, 9063 West 103rd Street – stated that she has working on this with Mr. Ash and that the total number of signatures on the petition may not match the number of people sending in their issues. The reason for the discrepancy may be because some people have issues with other things in the petition such as sidewalks on the main parkway and the streets. Discussion ensued. Ms. Zilz thanked the Council for their assistance in this matter.

Mr. John Terpstra, 10406 Adler Cove – stated that if the residents have anything in writing that the Town needs to see it. He added that this is a contractual agreement between the contractor and the consumer and is concerned that if they are pressing Philippe for these things and if they start pulling permits of these people to build, it is going to create a stigmatization of the neighborhood and he wants to preserve growth in his neighborhood.

He stated that Philippe tells them that the residents have to contact the subcontractor that did the work and wants to make sure they have the right focus, he said the homes were built and were inspected by the Town; each one of these homes received an occupancy permit. He wants to ensure that going forward they have a long-term solution to this problem and to look at having more stringent standards in the inspection process that St. John has. Mr. Forbes stated that they are not after Philippe per se; they want Philippe to step up to what they are required to do. Discussion ensued with reference to the crack in his basement floor and wall after the 11-month warranty period ended whereas Mr. Terpstra was advised by Philippe to call the excavators.

Mr. William Machnikowski, 10377 Birchbrook Drive – asked the Council members if they needed any other documentation other than his photographs that he submitted. Mr. Kil stated that they are compiling everything they have in their office, everything he has supplied and everything Oltoff has in their file as well.

Discussion ensued regarding the due date for turning in the back up documentation to the Town to be in one week. An audience member stated that they went door-to-door to the residents to notify them of the Towns' involvement and will do so again. Mr. Barenie stated that certified letters were sent to each of the residents in the development.

Discussion ensued regarding specialists coming to their homes to look at the problems and Philippe not accepting that as proof.

Unidentified resident stated that he had to call five times to have someone come out regarding the siding and flashing and has problems with cracks in the walls. Philippe does not send a manager they send their associate managers.

Mr. Ash stated that the Town gave Philippe a license to build in the city, these are construction problems and Philippe acts like there is no reason to fix the problems. The condition their homes are in now they cannot sell their homes. He stated that this does not help St. John it works against St. John.

Mr. Austgen stated that it is very, very evident there is an impassioned group of citizens here and this needs to be known. He appreciates Mr. Terpstra's comments about this. There is a very delicate balancing act that this Council has to walk through. If you want assistance there is going to have to be give and take. The mission the Council has taken to do is gather the data to assess what the situation is objectively and everything they end up doing up here will be based upon objective codes and criteria. He realizes, he owns a home, everyone up there owns a home, they know what their home means to them. They are going to end up dealing with these things on an objective basis. Uniform building code, professional assistance and an observation of how they can find a way to assist them with this developer/contractor. Now that being said, that balancing goes forward. The perspective is there is a hammer up here in the sense of licensure. That doesn't fix your homes, that doesn't get somebody back, that doesn't keep homes continuing being built in your subdivision. That by itself impacts your value. Empty lots and open fields. So please understand there is an absolute commitment up here to gather all of

the information that can absolutely be gathered so that an objective analysis and an open dialogue can be had with this contractor. That really is the intent.

Mr. Barenie stated that there would be meetings. The purpose of the meetings is to be the most informed they could be, so they can have the best dialogue on the resident's behalf.

Mr. Austgen stated that the Town Council has become their ombudsmen up here, they are your elected officials but they have become your ombudsmen in a private dispute and they are committed to getting to that point. He confirmed with Mr. Barenie that they would be making a report every couple of weeks in the Town Council meetings to report on how things are moving.

Ms. Cecelia Nelson – 10169 Privet Drive – stated that she moved into her house in March 2007. She did all the right things in putting in her requests and stated that she is now a widow and has been fighting this herself. Ms. Nelson stated that she has water coming in through her French doors and has mold. For a year and a half he (Philippe) would not fix that problem. They would not give her the final grating on her lot; it floods all the way up to her patio. She stated that her windows leak, there is no insulation in there, and her basement has ten cracks. The Supervisor from Philippe told her she is screwed, call her names and she feels like she is harassed and all alone.

Adjournment – Mr. Forbes motioned to adjourn the meeting. **Seconded by Mr. Volk.** **Motion passed with a vote of 4 - 0.** (Ms. Teibel left the meeting before adjournment) Meeting adjourned at 8:18 P.M.

ATTEST:

/s/ Sherry P. Sury, Clerk-Treasurer