

ST. JOHN TOWN COUNCIL REGULAR MEETING  
St. John Municipal Building Main Meeting Room  
10955 W. 93<sup>rd</sup> Avenue, St. John, IN  
May 27, 2010

(Tape Recording Machine Inoperative)

Mr. Barenie called the meeting to order at 7:01 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; Michael Fryzel, 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 Chip Sobek, Parks Superintendent. Absent was Jerri Teibel, Town Council Member.

**Dedication Ceremony:** Mr. William Tuley – Memorial Plaque – Mr. Barenie referenced the ceremony that took place at Larimer Park prior to the meeting, read the inscription on the plaque that was presented, and offered words of appreciation for Mr. Tuley. Mr. Austgen provided a brief synopsis of Mr. Tuley's life and tireless contributions to the town.

**Approval of minutes: April 8, 2010 Regular Meeting, April 22, 2010 Executive Session, and April 22, 2010 Regular Meeting** – Mr. Forbes motioned to approve the minutes of the April 8, 2010 Regular Meeting; the April 22, 2010 Executive Session and the April 22, 2010 Regular Meeting. Seconded by Mr. Volk. Motion passed with a vote of 4 - 0.

**Bid Opening – 2010 Pavement Patching Program**

Proofs of Publication - Mr. Austgen stated that the Proofs of Publication were in order with timely publication two times on May 10<sup>th</sup> and May 17<sup>th</sup> in **The Times** and in the **Post Tribune**.

Opening of Bids – Mr. Austgen opened the bids, Exhibit A.

**Mr. Fryzel motioned to take the bids under advisement. Seconded by Mr. Forbes. Motion passed with a vote of 4 - 0.**

**New Business**

**Bid award for the Joliet Street Storm Sewer and Water Main Project at the Norfolk Southern and CSX Railroads** – Mr. Forbes motioned to award the bid to B&D Sewer, the lowest responsive and responsible bidder, in an amount not to exceed \$196,382.00. Seconded by Mr. Fryzel. Motion passed with a vote of 4 - 0.

**Consider authorization of Allied Waste contract, extension of Year Four option** – Mr. Austgen stated that two years ago, bids were solicited through the public bidding process, the contract was awarded to Allied (now Republic) that included the contract length with extensions and terms. He stated that based on the current proposed extension on maintaining the current price per household, the service provided and given that this process has met the requirements of law, that he recommends acceptance of the contract and that a letter agreement is needed to be executed to be appended to the contract. **Mr. Fryzel motioned to approve the extension of the Year Four option of the Allied Waste (Republic) contract. Seconded by Mr. Forbes. Motion passed with a vote of 4 – 0.** Mr. Austgen stated for the record, that there will be no increase to the residents by accepting the extension of the Year Four option.

**Municipal Separate Storm Water System (MS4) Agreement with the Northwestern Indiana Regional Planning Commission** – Mr. Fryzel motioned to ratify the Request to Purchase for Public Education / Outreach Phase II, Public Participation / Involvement Phase II in an amount not to exceed \$4,595.50. Seconded by Mr. Forbes. Motion passed with a vote of 4 - 0.

**Appointment to St. John Park Board** – Mr. Forbes motioned to appoint Beth Hernandez to the St. John Park Board. Seconded by Mr. Volk. Motion passed with a vote of 3 - 0 and one abstention by Mr. Fryzel.

**Resolution #10-05-27, additional appropriation – Park Impact Fees** – Mr. Kil explained the amount of the additional appropriation in the amount of \$45,000.00, the remainder needed for the total purchase of equipment at the parks of Sun Meadows and Rainwater. He stated that the donation from Mr. Rainwater in the amount of \$23,000.00 was received for the equipment at Rainwater Park and reduced the funds needed for the two parks. **Mr. Fryzel motioned to adopt Resolution #10-5-27. Seconded by Mr. Forbes. Motion passed with a vote of 4-0.**

**Consider Ordinance #1515, an ordinance amending the Master Zoning Ordinance, adding Section T to Chapter 11 (Special Regulations) for Electric-Generating Wind Devices** (Favorable recommendation from Plan Commission) – Mr. Volk stated that the Plan Commission has been working on this issue and an amendment for this because the wind devices were not addressed in the ordinance. They studied all the devices and wanted to make sure that the neighbors would not be impacted by these devices. Discussion ensued. **Mr. Volk motioned to accept Ordinance #1515. Seconded by Mr. Forbes. Motion passed with a vote of 4 - 0.**

**Consider Variance of Use request (Standard Lumber / Cook Builders) for 9625 Wicker Avenue** (No recommendation from Board of Zoning Appeals) – Mr. Volk gave an overview of the request for a temporary variance to allow storage rental at the back of the property and sales of sheds in front of the property on US #41. Mr. Buchanan addressed the Council and explained how this would generate income for him allowing him to maintain paying his property taxes. Discussion ensued and the council members agreed that this variance is not in keeping with the comprehensive plan for the Town. **Mr. Forbes motioned to deny the request for variance. Seconded by Mr. Fryzel. Motion passed with a vote of 4 - 0.**

**Participation in the Multi-Hazard Mitigation Plan** – Mr. Kil stated that Jason worked on this plan, Lake County is preparing the rough draft, and a resolution regarding participation will be prepared by Mr. Austgen when they submit the plan.

**Status Report and new procedure outline to track development Letters of Credit** – Mr. Kil explained the procedure to be initiated that the letters of credit will be tracked electronically.

**Consider Ordinance #1516, an ordinance providing for a “Catch and Release” policy for town water bodies** – Mr. Kil stated that many residents are concerned and referenced the DNR analysis that was done. Discussion ensued. **Mr. Forbes motioned to authorize the Town Attorney to provide an ordinance. Seconded by Mr. Fryzel. Motion passed with a vote of 4 - 0.**

**Consider Ordinance #1517, an ordinance providing for employee “Flex Med” accounts through insurance carrier** – Mr. Fryzel motioned to approve Ordinance #1517 on first reading. **Seconded by Mr. Forbes. Motion passed with a vote of 4 - 0.**

**Mr. Fryzel motioned to adopt Ordinance #1517. Seconded by Mr. Forbes. Motion passed with a vote of 4 - 0.**

**Consider special use variance from T & D Produce for Produce Stand** (Unfavorable recommendation from Board of Zoning Appeals) – Mr. Volk stated that the applicant would like to operate the stand on a used car lot on Route 41 from June through November, 7 days a week. Mr. Kil added that with the traffic and parking this is not a conducive site. Discussion ensued. **Mr. Forbes motioned to deny the special use variance for T & D Produce. Seconded by Mr. Fryzel. Motion passed with a vote of 4 - 0. Mr. Forbes motioned to amend the motion to incorporate the findings as stated by Mr. Kil. Seconded by Mr. Fryzel. Motion passed with a vote of 4 - 0.**

**Consider special exception variance from Kevin Baradziej for Sport Court** (Unfavorable recommendation from Board of Zoning Appeals) – Mr. Kil gave an overview of the request for the variance and noted the discussions that took place with Mr. Baradziej for the sport court including the size, drainage and lighting issues. He stated that there are concerns as referenced by the five letters of remonstrance that had been received. Discussion ensued. **Mr. Forbes motioned to table this item until the June 10<sup>th</sup> meeting. Seconded by Mr. Volk. Motion passed with a vote of 4 - 0.**

**Request for take-home vehicle for Water Operator** (Request made from Utility Board President) – Mr. Kil stated that this request was made because of the new water treatment plant and that response time in an emergency would be faster if the water operator was able to use a take-home town vehicle. Discussion ensued; the vehicle will only be used for business, it will be an emergency response vehicle, all use is work related and the Town Manager will send a letter to the water operator outlining these provisions. **Mr. Fryzel motioned to approve the request for a take-home vehicle. Seconded by Mr. Forbes. Motion passed with a vote of 4 - 0.**

**Consider request from the St. John Chamber of Commerce regarding banners to promote businesses** – Mr. Kil referenced the e-mail he sent for feedback on the two different designs and stated that nothing has been purchased, this item will be deferred.

**Consider banners to promote and identify the Town of St. John as “Top 50 Places to Live”** – Discussion ensued that included the above request from the St. John Chamber of Commerce as to the artwork and design of the banners and where the banners would be placed (in business areas only, no residential areas or in front of Town Hall). Mr. Kil stated that the Town would install the banners, that there would be no cost for the brackets and he would have the art work done and present it to the Council for consideration.

## **Reports & Correspondence**

Town Council

Clerk-Treasurer – Ms. Sury stated that she had a request for a refund from the Treehouse Experience, due to an unforeseen matter for the Farmers Market and they are not able to participate in the event. **Mr. Forbes motioned to refund Treehouse Experience \$100.00 for their Farmer’s Market deposit. Seconded by Mr. Volk. Motion passed with a vote of 4-0.**

Staff

Mr. Sobek thanked the Lake Hills residents for clean up at the park last week. He stated that the concerts in the Park will be back this summer and volleyball will start next Wednesday, 250 people have signed up.

Chief Frego read the April Monthly Report. He stated that they received the laptop computers, they are installed and operational and the desktops are now getting installed. Mr. Forbes thanked the Chief for their assistance with the traffic during the Joliet Street Project.

Chief Willman read the April Monthly Report for the Fire Department. He also stated that the St. John Fire Volunteer Fire Department is 100 years old; there will be a celebration in the Fall. Mr. Forbes thanked the Fire Department for their involvement in the Egg Drop.

Mr. Kil reported on the 2010 Election / Voting Issues. He stated that Mr. Austgen has sent a letter and there has been no response yet and that he and Mr. Austgen will proceed on this issue and will go to the State if necessary; however they first must go through the chain of command which is the County Election Board.

Mr. Kil stated that employee safety training for the Public Works Department has stepped up, roadway safety and trench safety materials have been ordered and training will be documented.

**Payment of Bills for the Corporation APV's #7666 - #7885 for \$965,892.04** – Mr. Kil asked that a check be approved payable to Ryan Stroh in the amount of \$420.00 subject to receipt of his W-9. The engraved stone he made was put in place at Larimer Park to honor Mr. Tuley for the ceremony that took place prior to tonight's meeting. **Mr. Forbes motioned to approve payment of \$420.00 subject to receipt of his W-9. Seconded by Mr. Fryzel. Motion passed with a vote of 4 - 0.**

**Mr. Forbes motioned to approve payment of APV's #7666 - #7885 for \$965,892.04 for the Corporation. Seconded by Mr. Fryzel. Motion passed with a vote of 4 - 0.**

**Public Comment**

Eileen Butcher, 10043 Olcott – thanked the Fire Department, Parks Department and Public Works. She stated that about half the lights in the parking lot are out, it is a safety issue and referenced an incident a few weeks ago. Discussion ensued, Mr. Forbes stated that they will look into this; there are alternative sources of lighting such as high pressure sodium.

Ms. Butcher also referenced her request for a liquor license and that the Sky Town Shooters Hockey team would like liquor available on game days. She stated that people are leaving because liquor is not available, there are about 500 – 600 fans that come out, the games last 2-3 hours and the liquor would be only served during the games.

**Adjournment** – Mr. Forbes motioned to adjourn the meeting. **Seconded by Mr. Fryzel. Motion passed with a vote of 4 - 0.** Meeting adjourned at 8:29 P.M.

ATTEST:

/s/ Sherry P. Sury, Clerk-Treasurer