

ST. JOHN TOWN COUNCIL REGULAR MEETING
St. John Municipal Building Main Meeting Room
10955 W. 93rd Avenue, St. John, IN
August 26, 2010

Mr. Barenie called the meeting to order at 7:08 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; Kenneth Gembala, 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.

Approval of Minutes: Minutes of the July 2, 2010 Special Meeting and Minutes of the July 22, 2010 Regular Meeting - Mr. Forbes motioned to approve the minutes of the July 2, 2010 Special Meeting. Seconded by Mr. Volk. Motion passed with a vote of 3 ayes and 2 abstentions by Mr. Fryzel and Mr. Gembala.

Mr. Gembala motioned to approve the minutes of the July 22, 2010 Regular Meeting. Mr. Volk seconded the motion. Motion passed with a vote of 3 ayes and 2 abstentions by Mr. Forbes and Mr. Fryzel.

Bid Openings:

2010 Roadway Improvement projects – White Oak Avenue, Blaine, and Town Wide Pavement Patching Program

Proofs of Publication – Mr. Austgen stated that the proofs are in evidence in the form of the Publisher's Affidavit's of **The Times** and the **Post-Tribune**, timely publication was made in each newspaper publication on August 6th and August 13th, the public notices are in conformance with law.

Bid Opening – Mr. Austgen opened and announced the following two bids, Exhibit A.

Town Council Action - **Mr. Gembala motioned to take the bids under advisement by the appropriate staff. Seconded by Mr. Fryzel. Motion unanimously passed.**

Self-Contained Breathing Apparatus for the Fire Department

Proofs of Publication – Mr. Austgen stated that there is proof of Notice to Bidders published in **The Times** and the **Post-Tribune** by the Publishers Affidavit's verifying publication on August 2nd and 9th in each, those publications meet the requirements of law.

Bid Opening – Mr. Austgen opened and announced the following bids, Exhibit B.

Town Council Action - **Mr. Forbes motioned to take the bids under advisement by the appropriate staff. Seconded by Mr. Fryzel. Motion unanimously passed.**

New Business

Authorization to use the PILT Payment from the Water Utility as an annual payment toward the debt owed to the Utility District - Mr. Forbes motioned to authorize the PILT

payment from the Water Utility as the second annual debt payment to the Utility District. Seconded by Mr. Fryzel. Motion unanimously passed.

Consider acceptance of Letter of Credit No. 01001 in the amount of Fifty Three Thousand Seventy Five Dollars (\$53,075.00) for Midco/Whiteco St. John, LLC - Mr. Forbes motioned to accept the Letter of Credit in the amount of \$53,075.00. Seconded by Mr. Fryzel. Motion unanimously passed.

Consider annual payment to the St. John Fire Department for maintenance of the Training Site in the amount not to exceed Ten Thousand Dollars (\$10,000.00) - Mr. Fryzel motioned to authorize the payment. Seconded by Mr. Volk. Motion unanimously passed.

Consider approval of Change Order for the 2010 Town Wide Pavement Patching Program for Reith-Riley in the amount of Fourteen Thousand Seven Hundred Seventy Nine Dollars and Ninety Eight Cents (\$14,779.98) - Mr. Forbes motioned to defer this item to the September 9th meeting. Seconded by Mr. Volk. Motion unanimously passed.

Consider Special Exception Variance for Gary Kujawa of 9535 Julia Drive for sports court (favorable recommendation from Board of Zoning Appeals) - Mr. Fryzel motioned to approve the special exception for Gary Kujawa and incorporate the Findings of Fact from the Board of Zoning Appeal. Seconded by Mr. Volk. Mr. Gembala amended the motion to include review of the plan to ensure the grade of the sports court does not adversely affect the drainage. (Mr. Kil will review for compliance.) Motion unanimously passed.

Reports & Correspondence

Town Council

Mr. Volk stated that he has received a couple of calls regarding the history wall outside of the Town Hall and asked whether any bricks will be added or if they are taking orders for bricks. Mr. Fryzel stated that they had to have a certain number of bricks for the company to come out. Discussion ensued; a new list will be started in the Clerk's office and a reminder will be put on the utility bill.

Mr. Forbes stated that the date of the live broadcast of X-Rock from the Haunted House has been changed from October 16th to October 22nd with the time changed from 6:00 p.m. to 8:00 p.m.

Clerk-Treasurer – None

Staff

Mr. Sobek stated that the Fall flyer will be mailed out with the water bills this week and the work on Rainwater and Sun Meadows Parks have been completed.

Chief Frego read the July Activity Report for the Police Department.

Chief Willman read the July Activity Report for the Fire Department. He added that the department took part in a project of mass deployment of resources from the Chicago area including Indiana, Wisconsin and Michigan. It was part of the National Fire Convention at

McCormick Place. They were the only Indiana maintenance division that was there. It was a huge success.

Mr. Barenie commented that a lot of the residents have been pleased with the work on 93rd.

Payment of Bills for the Corporation – APV's #8308 - #8552 for \$1,322,395.37 – Mr. Kil asked to remove the payment to Reith-Reilly and defer that to next month, it will be on the docket. The payment is for \$14,779.98 docket #8547. **Mr. Fryzel motioned to approve payment of vouchers #8308 - #8552 with the exception of voucher #8547 which will be deferred from payment, that invoice will be adjusted from a total amount of invoices to be paid \$1,322,395.37. Seconded by Mr. Forbes. Motion unanimously passed.**

Chamber of Commerce Presentation – Mr. Nick Georgiou stated that he is on the Board of Directors and currently services as the Treasurer. He referenced the designs of the banners that were presented for Town Council approval. Mr. Georgiou stated that the banners would be located on Route 41 and 93rd Avenue, would like the banners installed before the holidays and the cost would be incurred by local businesses. Mr. Kil stated that he e-mailed the information to the council members a day or two ago and does not know if they have had time to review the information. Mr. Barenie stated that he liked four out of five of them and they were very well done. Mr. Kil stated that these are five feet banners. Mr. Barenie added that they are 30 by 64 inches. Mr. Georgiou stated that this is initially a one year program but they are asking the businesses to renew every year. Discussion ensued. Mr. Barenie stated that they will get back to him.

Public Comment

Ms. Janet Brennan, 10151 Delmar – referenced the minutes of the July 22nd meeting and the Ethics Ordinance. She stated that she is wondering when they were going to appoint members to the Ethics Committee and referenced the 2004 signed ordinance. Ms. Brennan inquired if the Ethics Ordinance included the town employees. Discussion ensued, (partly inaudible).

She also asked about the procedures for job openings and referenced the public records request she made regarding the hiring practices as included in the employee personnel manual. Ms. Brennan stated that the policy should be reviewed.

The last item she stated that she wanted to address was about the Haunted House budget. Last year it was \$17,000 and they made money but spent \$26,000 in expenses. She asked how did they make money and if they have rules why don't they follow them. Discussion ensued. Mr. Barenie stated that they approved more this year so they could start the renovations early. He also addressed the hiring of staff – the opening for the IT position was advertised in **The Times**, the **Post-Tribune** and Monster.com and they received over 100 resumes. Mr. Volk's stated that it was his understanding of the Ethics Ordinance that they would establish a committee when it is needed. Discussion ensued. Ms. Brennan stated her concern that positions are filled by friends of existing employees or Council members. She stated that the State Board of Accounts commented adversely to the use or non-use of the Ethics Committee. Mr. Austgen corrected Ms. Brennan that the State Board of Accounts did not say that, the non-use of the Ethics Ordinance was not a write up, it was an opinion of an auditor.

Mr. Leo Lazaroff, 9490 Julia Drive – stated that he resides next to the residence with the sport court and asked what is being done about the drainage problem. Mr. Gembala stated that he went out to the residence as he has some professional background in this area. He asked

permission to take some elevations just to see and match that up with the grade. His sketchy opinion is whether some of the drainage swales were made or perform according to the original plan commission plans and would like to check that out. To say there is one individual problem out there that is causing the problem he is not sure. Mr. Lazaroff also asked why the approval of the second sports court is not on the agenda. Ms. Sury stated that the agenda was changed after she posted it and she did not receive the amended version.

Mr. Mike Alonza, 9665 Grasselli Ave – stated that he purchased a new home from Martk and there is a problem with the siding. He called the contractor who said it was a warranty issue, he was given the name of the company that installed it on his home and he is no longer in business. He called Aztec Siding Company who said the siding was installed improperly (not according to manufacturers specifications) and is a warranty issue. They took a bond through St. John. He filed a claim with the builder's insurance company who denied him and was told he cannot go after the bond because St. John holds the bond and St. John would have to implement. The home was built in August, 2004. Mr. Kil stated that he called Rich Wolf on the resident's behalf and was told the same thing the resident was told.

Mr. Alonza stated that the building code states if the work is not done according to the manufacturers specifications it is out of code. He called Aztec and was told they don't do this anymore.

Mr. Austgen stated that the amount of time is a huge factor. Mr. Forbes stated that the estimate on repairs is just over \$7,000.00. Mr. Austgen stated that the town holds the bond for the contractor and the penal amount is \$5,000.00 and is for code compliance. He asked Mr. Kil to look at the bond, provide the town's weight behind the bond to the extent that's available and also suggested that Mr. Kil look at the contractor registration.

Adjournment – Mr. Forbes motioned to adjourn the meeting. Seconded by Mr. Fryzel. Motion unanimously passed. Meeting adjourned at 8:11 P.M.

ATTEST:

/s/ Sherry P. Sury, Clerk-Treasurer