

ST. JOHN TOWN COUNCIL REGULAR MEETING
St. John Municipal Building Main Meeting Room
10955 W. 93rd Avenue, St. John, IN
November 17, 2011

Mr. Forbes 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: Michael Forbes, President; Mark Barenie, Vice-President; Gregory Volk, Member; Ken Gembala, Member; Stephen Hastings, Member; David Austgen, Attorney; Steve Kil, Town Manager; and Sherry Sury, Clerk-Treasurer. Also in attendance was Fred Frego, Police Chief; and Fred Willman, Fire Chief. Absent was Parks Superintendent Chip Sobek.

Approval of minutes: October 27, 2011 Executive Session and Regular Meeting minutes - Mr. Gembala motioned to approve the minutes of the October 27, 2011 Executive Session and the October 27, 2011 Regular Meeting. Seconded by Mr. Volk. Motion unanimously passed.

Public Hearing

Public hearing for Casboni Estates – Ordinance #1545, an ordinance annexing certain real property

Proofs of Publication – Mr. Austgen confirmed that the Proofs of Publication are in order, timely published (in **The Times** and in the **Post** on October 26, 2011) and permitting this proceeding to be held validly.

Opening Remarks

The petitioner Mr. Phil Mulder of Lagestee Mulder Construction was there to represent the Casboni's in the annexation of their 23.4 acre parcel into the Town of St. John. The front ten acres (the south ten acres) which fronts 109th Street, 256 feet on 109th Street and then 2,042 feet deep; on the north property line it touches the Olcott property development; to the east is the Landheim Training & Boarding Center. The entire acreage will be going to St. John and the front 10 acres is under contract to Pathway Church which has been in existence for about six years and they are raising funds to purchase the property first with a goal of building a church in the next three to five years.

Town Council Comments

Mr. Volk stated that he is concerned with the zoning; the annexation ordinance shows the ten acres coming in as C2 immediately upon annexation. The town's comprehensive plan requires everything to come in as R1. Any approval would be contingent on them building there and no one else; it will revert back to R1 if they do not use it as a church building. Mr. Mulder stated that the reason for the C2 zoning is related to the financial reasons; the church wants to make sure they can build a church there.

Mr. Forbes stated that the town's ordinance requires R1; what is laid out on the annexation plan is consistent with the town's comprehensive master plan. The council is basing the annexation on the church being built there so they are requesting a written agreement. Mr. Kil added that the town would like an annexation commitment stating that the petitioner understands the C2

zoning is proprietary to the construction of a church; should the church not be built or they choose to sell the land that property would revert to a R1 zoning designation. Mr. Mulder stated that he does not believe there would be a problem with that. Mr. Austgen stated that they would consider the letter coming from Mr. Mulder to be a supplement to the petition for annexation and would incorporate the language into the annexation ordinance to protect the town's position on its annexation policy while preserving the benefit that Mr. Mulder seeks.

Open to the Floor – Mr. Forbes opened the floor to public comment. There were no comments.

Closed to the Floor – Mr. Forbes closed the floor to public comment.

Resolution #11-11-17, Introduction of the Fiscal Plan – Mr. Kil introduced the fiscal plan, he stated that they have 100% consenting annexation and the proposal right now is to construct a church in the next three to five years. The fiscal plan lays out police protection, fire protection, solid waste, trash, traffic control, etc. This will not impose a hardship on the community and they can handle the construction of the church or this new use without an increase in town services. There will be no additional roads, it will not affect snowplowing or things like that and the fiscal plan can be viewed at either the Clerk's office or his office.

Ordinance #1545, an ordinance to annex certain contiguous land - Mr. Barenie motioned to consider Ordinance #1545 on first reading only. Seconded by Mr. Volk. Motion unanimously passed.

New Business

Consider Ordinance #1542, an ordinance replacing ordinance #839 and establishing New Flood Plain Management Regulations – Mr. Forbes stated that this was addressed at the Plan Commission; the State redid the flood plain management regulations, changed a lot of definitions which needed to be incorporated into the town's ordinance. Mr. Kil added that they received new FEMA maps which prompted this. If the town did not amend their ordinance they would no longer be able to participate in the national flood insurance program. Mr. Austgen stated that IDNR and the staff responsible for this in Indianapolis checked off this proposed ordinance as a precondition to this being presented to the council, so there has been agency review. **Mr. Volk motioned to adopt Ordinance #1542. Seconded by Mr. Hastings. Motion unanimously passed.**

Resolution #11-11-17A, a temporary transfer and loan from Cum Sewer to General Fund – Ms. Sury stated that there are appropriations for the general fund however, the fund is low. When they receive their property tax money from County, this fund will be paid back. **Mr. Barenie motioned to adopt Resolution #11-11-17A. Seconded by Mr. Volk. Motion unanimously passed.**

Resolution #11-11-17B, a resolution for additional appropriations – Mr. Forbes stated that this allows them to put the money they just transferred and loaned into the appropriate fund.

Public Hearing & Proofs of Publication - Mr. Austgen stated that this procedure and this resolution require a public hearing. The public hearing was noticed and he reviewed the Proofs of Publication from **The Times** and the **Post-Tribune**. He stated that timely notice of the public hearing has been given so the council may conduct the public hearing on this matter and proceed on the additional appropriations.

Town Council Comments – None

Open to the Floor – Mr. Forbes opened the floor to public comment. There were no comments

Closed to the Floor – Mr. Forbes closed the floor to public comment

Mr. Gembala motioned to adopt Resolution #11-11-17B. Seconded by Mr. Hastings. Motion unanimously passed.

Ordinance #1546, an ordinance authorizing (I) the current refunding of the Town of St. John Sewage Works Revenue Bonds of 2004 and (II) authorizing the issuance of the Town of St. John, Indiana Sewage Works Refunding Revenue Bonds to provide funds for the payment of the costs thereof; addressing other matters connected therewith; and repealing ordinance inconsistent herewith – Mr. Forbes stated that interest rates have changed since Mr. Barenie looked at this last December and it would be favorable to act on this now. Mr. Karl Cender stated that he has been asked to look into the possibility of doing a refinancing, they have talked to several underwriters and it looks favorable to proceed.

Mr. Cender stated that they have two scenarios detailed in a memorandum that he distributed to the council members and summarized their approaches to the refinancing by Fifth Third Securities and City Securities Corporation. Based on the projected savings he recommends the council proceed. He stated that he expects to hear back from the underwriter after Thanksgiving. Mr. Austgen stated that Ordinance #1546 has been drafted consistent with Mr. Cender's presentation, both he and Mr. Kil reviewed it and they recommend the council consider the ordinance tonight. If approved tonight the timetable to close these bonds would be December 28th.

Mr. Hastings motioned to consider Ordinance #1546 on first reading. Seconded by Mr. Barenie. Motion unanimously passed.

Mr. Barenie motioned to adopt Ordinance #1546. Seconded by Mr. Hastings. Motion unanimously passed.

Mr. Forbes stated that along with this, they have Letters of Engagement for Barnes & Thornburg as bond counsel and Cender & Company for the refinancing work. **Mr. Barenie motioned to authorize Cender & Company as well as Barnes & Thornburg to continue their work on Ordinance #1546 as previously discussed, to move forward with all paperwork and necessities to complete the process. Seconded by Mr. Volk. Motion unanimously passed.**

Consider request for Variance of Use for Midwest Companies (unfavorable recommendation from Board of Zoning Appeals) – Mr. Forbes stated that the BZA had a public hearing for the company to run train equipment repair. Mr. Volk stated that the location is just south of 101st paralleling the railroad tracks, is part of the Buchanan property which is the old Standard Lumber Company and the vacant parcel next to it. They wanted to buy auctioned / used railroad track repair equipment, rebuild it there and ship the equipment after it was sold. The biggest problems were safety concerns; they were a startup company and didn't want to spend any money. The BZA wanted a fence around the property and a plan for the disposal of oils and hydraulic fluid. They have no building; it was an open air site so there was an aesthetic

concern. Mr. Volk stated that he advised the company the town is willing to work with any business coming in but they need something more tangible such as a building.

Mr. Barenie motioned to uphold the recommendation of the BZA and deny the request for a variance of use. Seconded by Mr. Volk. Motion unanimously passed.

Authorization to transfer funds from the Haunted House account to Christmas in the Park account in the amount of \$6,000.00 – This is for the replacement of lights. **Mr. Barenie motioned to approve the transfer of the funds. Seconded by Mr. Volk. Motion unanimously passed.**

Consider donation of \$500.00 to the St. John Lions Club for their participation in the special Children's Haunted House – Mr. Forbes stated that this is for their assistance with the special Children's Haunted House activities. **Mr. Hastings motioned to approve the donation of \$500.00 to the St. John Lions Club. Seconded by Mr. Volk. Motion unanimously passed.**

Reports & Correspondence

Town Council

Mr. Forbes asked that the council authorize Christmas Eve off for the employees. **Mr. Gembala motioned to approve Christmas Eve as an additional paid off holiday for the town employees. Seconded by Mr. Barenie. Motion unanimously passed.**

Mr. Forbes gave a closing report for the Haunted House. He stated that it was open for 13 days, they had 103 volunteer "scare" actors all from local high schools, some have been with the Haunted House since it began, are now in college and came back to participate; 4,192 individuals passed through which includes 394 on kids days. A total of \$47,560.00 was collected at the door with a total profit \$16,572.95.

Mr. Forbes stated that they were reviewed by a group called "Haunted House Chicago" which is a web based group that is used as a locator and advertises haunted houses within 180 miles of Chicago; 91 haunted houses were listed on this site of those 48 were officially visited by their review team. The Lake Hills Haunted House was listed as one of the top 13 scariest haunted houses; they were #8 on the list.

Mr. Forbes thanked Standard Bank who had their workers there every night collecting money. He also thanked the backup people Mark Barenie, Steve Hastings, Ken Gembala, John Rainwater, Chip Sobek, Chief Frego and Steve Kil who also assisted at the door with collections. He thanked the Officers of the St. John Police Department, the Barenie family, Ken Gembala, Steve Hastings, Mr. Volk, and his wife and daughter for donating and serving meals to the volunteers every night. Mr. Gembala also stated that the Clerk-Treasurer was also involved in the process of the admission collections.

He confirmed that the new plow truck will be delayed until January 2012, and *stated* that he has had feedback from residents that some of the parks are very dark and would like lights installed. Mr. Forbes asked for approval to install streetlights in Schillton Hills Park for \$6,225.00; Lancer Park for \$6,675.00; and at the end of Schaeffer Drive for \$2,750.00 for a total of approximately

\$16,000.00. **Mr. Volk motioned to approve the above purchase. Seconded by Mr. Gembala. Motion unanimously passed.**

Mr. Forbes stated that he had another request for a purchase for \$24,106.00 for octane fuel. **Mr. Barenie motioned to approve the request. Seconded by Mr. Hastings. Motion unanimously passed.**

Mr. Forbes also stated that he had a request for a purchase to renew the software licenses for town uses. The amount requested is for \$28,649.70 which will be split among various departments. **Mr. Hastings motioned to approve the request for purchase. Seconded by Mr. Volk. Motion unanimously passed.**

Clerk-Treasurer

Staff

Mr. Kil stated that he has a request from Jason in I.T. to dispose of some old computers. He referenced a list of equipment in the council member's packets. He stated that the equipment is worthless and Jason has written a memo to that effect. **Mr. Volk motioned to deem the items listed as of no value and to dispose of them properly. Seconded by Mr. Barenie. Motion unanimously passed.**

Mr. Kil also referenced a letter from Project Love that was in the council member's packets. Through the Farmers Market they have made an incredible contribution to this project which feeds 60 families every single week. They have taken truckloads of items donated by the vendors at farmers market every week.

Chief Willman gave the October Activity Report for the Fire Department.

Chief Frego gave the October Activity Report for the Police Department.

Mr. Forbes suggested that the council give the town employees bonuses; \$800.00 for full-time employees and \$400.00 for part time employees. **Mr. Gembala motioned to authorize the bonuses for the employees. Seconded by Mr. Volk.** Mr. Austgen clarified that full-time employees are those working more than 1,040 hours and part time employees are those working less than 1,040 hours. **Mr. Gembala amended his motion to include the definition of full-time and part-time employees by hours worked as stated by Mr. Austgen. Seconded by Mr. Volk. Motion unanimously passed.** Mr. Forbes stated that this is not for elected officials; it is for full-time and part-time employees of the town only.

Payment of Bills for the Corporation APV's #9011 - #9211 for \$1,222,803.62 - Mr. Barenie motioned to approve general APV's #9011 - #9211 in the amount of \$1,222,803.62. Seconded by Mr. Volk. Motion unanimously passed.

Public Comment – None

Adjournment – Mr. Gembala motioned to adjourn the meeting. Seconded by Mr. Hastings. Motion unanimously passed. Meeting adjourned 8:00 P.M.

The employee luncheon will be on Friday, December 16th. No action is needed by the council.

ATTEST:

/s/ Sherry P. Sury, Clerk-Treasurer