

OGDEN DUNES TOWN COUNCIL MEETING
OGDEN DUNES FIREHALL
NOVEMBER 5, 2012 – 7:00 P.M.

PRESENT: Charlie Costanza, Bill Gregory, Allen Johnson, Paul Panther, Tom Clouser

MINUTES:

Tom Clouser moved to approve the minutes of the October 22, 2012 meeting. Paul Panther seconded the motion. All were in favor and the motion was approved.

ANNOUNCEMENTS:

The Town Council schedule for 2013 meeting dates will be posted in Town Hall and on the website.

COMMITTEE/DEPARTMENT REPORTS:

Jim Matthys spoke for the Street Department and announced that leaves would be picked up until Thanksgiving Day but there will be no more pick up of twigs. He also stated that the Street Department received a \$500 donation check from the garage sale held in Ogden Dunes which was organized by Marie Englehart and Alberta Hill.

Greg DePorter spoke for the Planning Commission. He stated that year-to-date they have issued 78 building permits. He then discussed the two proposed ordinances from the Planning Commission which he is requesting the Town Council to approve. One is regarding retaining walls and the other pertains to contractor licenses. Charlie Costanza requested that both proposed ordinances and an appeal process be made available to residents before the Town Council approves them. Allen Johnson stated that they will be posted at Town Hall and the website. Greg DePorter also stated that all residents are welcome to come to the Planning Commission meetings.

Duane Hibbs, President of the Waterworks spoke. He stated that the Waterworks will be requesting a rate increase. The Ogden Dunes Waterworks is currently under the Indiana Utility Regulatory Commission. We can opt out of the IURC since we have less than 2,000 customers and this would eliminate any commissions the Town would have to pay to get approval for a rate increase. There will be a meeting on Monday, November 12, 2012 at 6:00 p.m. at Town Hall. At that time, Umbaugh Associates, Certified Public Accountants who specialize in utilities, will present the pros and cons of opting out of IURC. Residents are requested to submit their questions in writing by placing them in the Waterworks' billing box by Town Hall no later than Monday morning, November 12, 2012. Residents may attend the meeting but vocal participation will not take place. Umbaugh will try to answer any written resident questions. Charlie Costanza questioned how much money the Waterworks generates from resident billing. Duane Hibbs stated that it was approximately \$200,000 per year. Duane also stated that the Waterworks would like to have \$150,000 in the bank as a back-up which would be used for any crisis that may arise. He stated that they are now around \$50,000 and that amount will more than likely decrease before the end of the year.

Allen Johnson stated that Susan Mihalo for the Environmental Board was unable to attend this meeting; however, she is encouraging residents to do more recycling which will keep our sanitation bills lower.

Jim Slawinski spoke for the General Code Review Committee. He stated that their first meeting was on October 10, 2012 and there are nine members. The General Code Review Committee will review all

codes excluding the building codes. They will meet the second Wednesday of every month at the Ogden Dunes Firehall. He stated that the following is their mission:

"To review the Town of Ogden Dunes Code of Ordinances except building code items (152.001-152.099, 152.202, & 152.03) for necessary or desirable changes and report recommendations to the Town Council."

Allen Johnson stated that there needs to be a change in the Park Board membership. At present, we have an ex-officio member who was appointed from the Home Association; however, State law requires the ex-officio member to be appointed by the school or library board neither of which Ogden Dunes has. The Council will address this with Town Attorney assistance.

Ken Martin, Historical Society, announced that on November 18, 2012 from 3-4 p.m. will be a presentation on the book entitled "Miller Beach". On December 9, 2012, there will be a traditional English tea hosted by Eunice Chadwick with the help of Dena Green. There will be two sessions: 12:00 noon and 3:00 p.m. at the Hour Glass Museum on Lupine Lane. The cost is \$10 per person. Please call Susan Clouser at 763-2322 for reservations or any member of the Historical Society.

CLAIMS:

Tom Clouser moved to approve regular claims 044681 through 044744 and payroll claims 04253 through 04295. Paul Panther seconded the motion. All were in favor and the motion was passed.

OLD BUSINESS:

Allen Johnson stated that the DNR visited Ogden Dunes in regards to the deer cull permit. The representatives from the DNR stated that there was no assurance of a permit being granted as the information that they compile will be sent to Indianapolis for final determination. They suggested that the Council contact residents on Valerie at the west end of Town. Allen did contact those residents and reported the results of those conversations in a letter which he sent to the DNR on November 1, 2012. A copy of the letter has been supplied to the Clerk-Treasurer. Charlie Costanza questioned which cull sites were being considered and which residents were contacted. Allen stated that cull locations include behind the Fire Department and behind the Street Department where the mulch piles are located. Also Suerenity Park is being considered and the west end where the trails are located. Allen stated that there are a total of four sites being considered. Allen stated that he only spoke with the residents on Valerie who have property on the edge of the trail. Charlie Costanza questioned the vegetation study done by John Erwin as to how he was paid. It was concluded that Attorney Lukmann's office paid John Erwin directly and in turn Attorney Lukmann billed the Town for John Erwin's services. Charlie Costanza questioned why he was not included when the DNR visited Ogden Dunes in regards to the deer permit. Allen Johnson stated that Charlie could not attend that meeting because a quorum of the Council would then be present.

Paul Panther moved to pass Ordinance 770, Redistricting of Election Districts for the Town of Ogden Dunes, on the second reading by title only. Tom Clouser seconded the motion. All were in favor and the motion was unanimously passed.

Allen Johnson stated that National Shoreline Management held a public hearing which Tom Clouser attended. Tom stated that the meeting related more to Dunes Acres and Beverly Shores where they plan to deposit "cobble berm" and the Town of Ogden Dunes would receive 360,000 cubic yards of sand which will be barged over and blown onto the beach. Dunes Acres and Beverly Shores are concerned about the cobble berm since they are placed in 10 feet of water and the berms reach 8 feet high. The waves wash over them and the residents feel that these cobble berms will end up on their beach. At

this point, there has been no determination as to the size of these rocks. Tom Clouser stated that comment cards are available from the National Park Service that residents may fill out and mail postage free. You can also comment online at <http://parkplanning.nps.gov/indushoreline>. Comments must be received by November 14, 2012.

Allen Johnson stated that Dunes Acres is requesting an extension of the dura patch contract with Ogden Dunes. Bill Gregory said that he was not opposed to extending the contract; however, the extension should specify that future cost could increase in materials and labor. **Paul Panther moved to extend the Dunes Acres/Ogden Dunes paving contract to include increased future costs of material and labor with an ending date of December 31, 2013. Tom Clouser seconded the motion. All were in favor and the motion was unanimously approved.**

A discussion was held on the requested access way at 68 Ski Hill (property of Charlie Costanza). This access way will be west of the house on 68 Ski Hill beginning at Ski Hill Place road, north 75 feet until reaching the southern border of the property. **Paul Panther moved to approve the access way at 68 Ski Hill Road property of Charlie Costanza with the understanding that the land would not be disturbed by adding pavement or rocks nor would trucks travel this access way. Bill Gregory seconded the motion. The votes were as follows: Charlie Costanza, recuse; Bill Gregory, yes; Allen Johnson, yes; Paul Panther, yes; Tom Clouser, yes. The motion was approved.**

Ordinance 772, 2013 Salary Ordinance, was read by title only for the first reading. The second reading will be at the December Town Council meeting.

NEW BUSINESS:

Curt Winkle, along with two Master students, from the University of Illinois in Chicago, College of Urban Planning and Public Affairs, attended this meeting to give a brief presentation on their analysis of possible emergency exits and bike paths within the Town of Ogden Dunes. They showed a slide presentation of how they plan to research the pros and cons of various areas to be used within the Town for emergency exits and bike paths. Final presentations should be forthcoming before year end. Charlie Costanza spoke about the proposed bike trail with the NPS. He indicated that the Park would like to extend the bike trail to Portage Lakefront. The trail could possibly go along the south side of Town. Allen Johnson stated that he has seen the area that Charlie is referring to and he feels it may be doable. It would be the southwest corner of Town but Allen stated that he is not sure if this is Town property or Indiana Water property. Bill Gregory asked Curt Winkle if his students will be contacting all involved parties (the Town, NPS, City of Portage, Indiana Water and the railroad) regarding the bike path in order to determine the costs involved and who will bear the cost. Curt Winkle asked the Council for suggestions as to who to contact at the railroad. Bill Gregory suggested that they contact Marshal Reeder who frequently has contact with the railroad personnel.

RESIDENT REMARKS:

Jon Machuca questioned how the Council obtained the deer damage claims that were used for the deer permit. Allen Johnson replied that it was basically "word of mouth" and driving around Town. Jon also questioned the hours of the cull as he claims one resident on Valerie has been misinformed and believes that the cull will only occur when he is working. Jon claims the previous cull started around 6:00 a.m. and lasted to 7:00 p.m. and beyond.

Bob Hicks stated he has contacted an attorney in Indianapolis who stated that residents should provide a letter to the Town saying they agree to a cull on their property. Bob also discussed the insurance

amounts should an accident happen and stated that the attorney feels they are too low. Bob also discussed the Water Department proposed increased. He asked for a copy of the financial statement and Jim Kopp stated that Bob could come to Town Hall and receive a copy.

Mark Coleman stated that the Council voted to renew the existing deer permit in August, 2012 but he believes that the Council actually applied for a "new" permit. Bill Gregory stated that the Council did renew the existing permit with minor changes. Mark also discussed the upcoming Water Board meeting.

Jim Slawinski questioned the Council as to residents along the cull site and whether or not they have all been informed. The Council replied that those along Valerie have been but not the other sites being considered. Jim Slawinski stated that he does not want to hear gunfire in his backyard.

Bernadette Slawinski discussed the signs in Town and stated that people are trying to be heard. She feels that everyone near the cull sites should have been contacted. She is concerned for the children at Sandpiper who could hear the shots and advises parents to prepare their children.

Walter Sampson discussed the Waterworks and what he heard is the budget deficit.

Laura Lubieniecki spoke against the water increase as she stated that many people in Town are on fixed incomes and some are unemployed. She also stated that the people should have the right to speak at any public meeting.

Officer Tim Beach gave an update on the vehicle break-ins which have occurred in Town. A vehicle was broken into on Shore Drive and numerous articles were taken out of the vehicle. They have caught the persons responsible. Officer Beach advised residents to keep vehicles and homes locked at all times.

COUNCIL REMARKS:

Charlie Costanza stated that there are two positions on the Planning Commission which will expire December 31, 2012. He stated that if any residents are interested they should obtain an application at Town Hall or on the Town website which is www.ogdendunes.net.

No further business coming before the Council, Bill Gregory moved to adjourn the meeting. Paul Panther seconded the motion. All were in favor and the motion was unanimously passed.

Allen Johnson, President

ATTEST:

Jean Manna, Clerk-Treasurer