

**OGDEN DUNES TOWN COUNCIL MEETING
MONDAY, MARCH 10, 2014 – 7:00 P.M.
OGDEN DUNES FIREHALL**

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

MINUTES

Tom Clouser moved that the minutes of the February 3, 2014 Town Council meeting be approved. Paul Panther seconded the motion. All were in favor and the motion was unanimously passed. Paul Panther moved that the minutes of the March 3, 2014 Town Council meeting be approved. Charlie Costanza seconded the motion. All were in favor and the motion was unanimously passed.

CORRESPONDENCE

A packet of brochures was received from the Indiana Tourism Bureau which will be made available at Town Hall for the residents. A letter was received from FEMA which will be discussed with Ed Hewitt, Building Commissioner. Approval was received for the 2014 beach grant and Bill Gregory thanked Susan Mihalo for her work on this contract. Bill Gregory announced that Paul Labovitz was selected as the new Superintendent at Indiana Dunes National Lakeshore beginning May 18, 2014. Bill Gregory thanked resident Bill Boyden for providing the Town with new ward maps plus a large up-to-date map of the Town which will replace the old map in the Town Hall foyer. Bill Boyden has provided the Town with maps for many years free of charge and we thank him.

COMMITTEE/DEPARTMENT REPORTS

Street Department – Jim Matthys spoke for the Street Department and stated that he has only 20 tons of salt left. He thanked the residents for avoiding Hillcrest Road and Cedar Trail as he had requested due to the fact that these two roads require a large amount of salt usage. He also stated that he has only two potholes in Town. Jim Matthys thanked his employees for their outstanding work during the harsh winter.

Water Board – Luke Brennan stated that there were over 40 residents who had frozen lines this winter and he urged residents to let their water trickle. He stated that even if the weather warms up a little, the ground is still frozen and your pipes could freeze. He stated that Chuck Litzkow, Water Manager, took care of all the frozen lines and no resident was without water more than two days.

Plan Commission – Mike Falk stated that at the last Plan Commission meeting there was a unanimous vote appointing Mike Falk and Herb Craig to the Building Code Review. Charlie Costanza questioned the voting outcome and Bill Gregory stated that the minutes of the Plan Commission would be reviewed to determine the exact votes for each appointment to the Building Code Review.

General Code Review – Jim Slawinski stated that the committee is working on several code revisions including staggered terms and garbage totes.

ADA – Sara Anderson stated that a meeting was held with Allen Hammond and several department heads in Town. As a result of this meeting, Sara stated that the ADA committee will make revisions to their ADA plan and resubmit to the Council.

Environmental Board – Susan Mihalo stated that Judy Mollway will be giving a presentation on March 24 at the Lion’s Club meeting on waste reduction. Susan stated that when recycling plastic water bottles, please leave the lids on as the small lids will jam up the machinery at the recycling plants. She also stated that recycled items can be rinsed slightly but it is not necessary to have them “squeaky” clean. Do not recycle plastic bags in your yellow tote—take them to your local grocery store for recycling. Susan also stated that US Department of Transportation has adopted voluntary rules regarding the shipping of crude oil by trains. Susan has written a letter to the Secretary of Transportation regarding our Town for better safety measures for the crude oil transport by trains. Susan also urged everyone to stay off the shelf ice on the Lake as it is very dangerous.

CLAIMS

Paul Panther moved that the February 2014 claims be approved as submitted by the Clerk-Treasurer. Tom Clouser seconded the motion. All were in favor and the motion was unanimously approved.

OLD BUSINESS

Paul Panther gave an update on deer management. The number of deer culled remains at 32. The National Park Service has only culled one day in the West Beach area for a total of 12 deer. During the culling days, the Park will put up barriers at Sand Track which will consist of only two saw horses and a sign and these will be removed each day and be replaced when the next cull day arrives. Charlie Costanza questioned when the Ogden Dunes cull would end. Paul Panther stated that the permit goes to March 31, 2014; however, due to the school schedule, the cull will end on March 21, 2014. Charlie requested that all signs and police tape be removed on March 21. Charlie stated that only 32 deer were culled in Town and the quota was 80. He feels that this proves there are not as many deer in Town as stated in the permit. Paul Panther stated that the 80 deer stated in the permit was not a “quota” but rather a “limit” on the number of deer the Town was permitted to cull. Charlie stated that the Deer Management Donation Fund was depleted and that the cull should end due to lack of funds.

Paul Panther gave an update on the new Reservation and Maintenance Agreement for the Community Room. He stated that since the Town is now responsible for the Community Room that various alcohol and insurance liability requirements must be met by renters. Any resident wishing to rent the Community Room should pick up the necessary forms at Town Hall. He stated that should a resident need a bartender, Chief Reeder has a bartender available who is willing to train another person for the event. Tom Clouser questioned Sara Anderson, ADA co-chairman, regarding the ADA rules for the Community Center. She stated that since the current bathrooms are out of compliance, a statement should be added to the rental agreement stating that a handicap port-a-potty would be available if needed. The renter of the Community Room would be responsible for inquiring of their guests whether or not a handicap port-a-potty would be needed. Bill Gregory stated that any resident who has used the Community Room in the past and may wish to use it in the future should pick up the necessary forms at Town Hall to review them for future use to be aware of the new rental requirements.

Bill Gregory discussed the new Joint Operating Agreement between the Town and the Ogden Dunes Volunteer Fire Department as a result of the Town taking responsibility for the Community Room. Tom Clouser stated that the monetary agreement included in the Joint Operating Agreement was higher than the Town previously paid the Fire Department and he stated that the Town’s cost to the Fire Department should have been lowered. Paul Panther stated that the utilities would vary in cost and that a portion of the money the Town was paying to the Fire Department would be kept by the Town. Tom Clouser stated that the Town paid the Fire Department \$55,000 last year and with the new agreement, the Town would be paying \$60,000 in 2014.

Bill Gregory read Ordinance 793 for the second reading. **Paul Panther moved to approve Ordinance 793 as read. Tom Clouser seconded the motion. The vote of the Council was: Charlie Costanza, no; Bill Gregory, yes, Paul Panther, yes; Tom Clouser, yes. The motion was passed three to one.**

Tom Clouser moved to approve Ordinance 794. Paul Panther seconded the motion. All were in favor and the motion was unanimously passed.

Paul Panther gave an update on the Squire land donation and stated that it should be concluded in the next several weeks. Due to very old paperwork, the processing was held up.

Paul Panther made the motion to suspend the rules and vote on Ordinance 795 on the first reading. Tom Clouser seconded the motion and Bill Gregory read the entire ordinance. The vote of the Council was unanimous and Ordinance 795 was passed.

Bill Gregory stated that Ordinance 796 needs amended; therefore, no discussion will be held at this meeting. Charlie questioned what the water rate increase would be and asked if it was approximately 17% and Luke Brennan stated that it was approximately that figure and it is now in the hands of the IURC. Charlie questioned if this increase would be in addition to the Indiana American Water increase. Luke Brennan stated that he did not know the exact proposed rate increase from Indiana American Water but it would be in addition to the Waterworks rate increase. Charlie is suggesting that the Council review the Waterworks rate increase as between both increases, it would be a burden on some residents. Tom Clouser stated that in past years when American Indiana Water increased the rates for the Town, the Waterworks absorbed the rate increase and did not pass it on to the consumers. Tom stated that at that time, the Waterworks had sufficient funds to cover these increases but with added operating costs, it does not have the funds currently to absorb these increases.

Bill Gregory discussed Ordinance 797 which mandates that all utilities be placed and held in the name of the property owner rather than the tenant. Bill Gregory read Ordinance 797 for the first reading. Paul Panther stated that the late and NSF fees listed in the ordinance need to be changed. The ordinance will be revised and readdressed at the April meeting.

Bill Gregory read Ordinance 798 for the first reading. Paul Panther moved that the rules be suspended and that the Council vote on this ordinance on the first reading. Tom Clouser seconded the motion. The vote of the Council was: Charlie Costanza, no; Bill Gregory, yes; Paul Panther, yes; Tom Clouser, yes. Since the vote was not unanimous, Ordinance 798 will be addressed for the second reading at the April meeting.

Bill Gregory stated that the Plan Commission voted Mike Falk and Herb Craig as their Building Code Review appointments. The Council must appoint a citizen member to the Building Code Review and Bill Gregory moved that Chris Lattimer be appointed. Charlie Costanza nominated Jim Slawinski to the Building Code Review. No second. **Paul Panther moved that Chris Lattimer be appointed to the Building Code Review to replace Herb Craig. Tom Clouser seconded the motion. All were in favor and the motion was unanimously approved.**

Bill Gregory stated that Greg DePorter has resigned from the Plan Commission as he no longer resides in Ogden Dunes. Paul Panther moved that Jill Woodburn be appointed to the Plan Commission to replace Greg DePorter. Tom Clouser seconded the motion. Charlie Costanza moved that Mike Schaefer be appointed instead to the Plan Commission. No second. **A vote was taken on the appointment of Jill Woodburn to the Plan Commission. All were in favor and the motion was unanimously approved.**

Tom Clouser made the following motion regarding Jim Matthys' accumulated vacation hours:

“Town of Ogden Dunes Ordinance 736 states that employees may not accumulate more than 160 hours of vacation time. Should an overage of vacation hours accumulate, those hours must be used within 30 days of notice to the employee. Jim Matthys, Street Department, has accumulated 193.299 hours as of February 28, 2014. Tom Clouser made the motion that Jim Matthys have an extension for his vacation overage hours due to the harsh winter and the extensive plowing of Ogden Dunes’ roads. Jim Matthys will have ninety (90) days beginning March 1, 2014 and ending May 29, 2014 at which time his accumulated vacation hours should be at the ordinance level of 160 hours or less.”

Charlie Costanza seconded the above motion made by Tom Clouser. All were in favor and the motion was unanimously approved.

Charlie Costanza prepared and read Resolution 2014-03 regarding the definition of marriage pending in State legislation. Bill Gregory stated that he felt the resolution needed “tweaking” as to the wording and Paul Panther agreed. **Charlie Costanza moved that Resolution 2014-03 be voted upon. Tom Clouser seconded the motion. All were in favor and Resolution 2014-03 was unanimously passed.**

Charlie Costanza prepared and read Resolution 2014-04 regarding the Town’s opposition to the water rate increase. Tom Clouser stated that at present, we have no final figures on the increase; therefore, he is opposed to this resolution at this time. There was no second to this motion. Resolution 2014-04 was not passed.

RESIDENT REMARKS

Jon Machuca, 1 Skyline Drive, questioned the Council as to who would pay for the handicapped port-a-potty if needed at the Community Room. Paul Panther stated that a decision would be made on this.

Jerry Savel, 2 Skyline Drive, discussed the deer cull in relation to the assessed values of the Town which have gone down drastically since 2010. A copy of his speech is available at Town Hall.

COUNCIL REMARKS

Charlie Costanza stated that the claim form for the attorney bill for February 2014 was signed by Council members without the proper invoices. Bill Gregory stated that he would review the claim. (Note: Clerk-Treasurer reviewed this claim and determined that the amount paid to the attorney was correct).

Tom Clouser thanked Jim Matthys and his crew for their outstanding job in keeping our streets plowed during the winter.

No further business coming before the Council, Paul Panther moved to adjourn the meeting at 9:05 p.m. Tom Clouser seconded the motion. All were in favor and the meeting was adjourned.

Bill Gregory, President

ATTEST:

Jean Manna, Clerk-Treasurer