

**OGDEN DUNES TOWN COUNCIL
REGULAR MONTHLY MEETING
COMMUNITY ROOM
OCTOBER 2, 2017 – 7:00 P.M.**

PRESENT: Tim Nelson
Mike Webber
Kathy Kniola
Scott Lehmann
Nate Ball

MINUTES

Nate Ball moved to accept the minutes of the September 11 and September 19 meetings as presented by the Clerk-Treasurer. Kathy Kniola seconded the motion. All were in favor and the motion was unanimously approved.

CORRESPONDENCE, ANNOUNCEMENTS & CONGRATULATIONS

Tim Nelson stated that the Town has been awarded a Community Crossings grant from INDOT in the amount of \$234,000 which will be used for road repairs. Susan Rhodes gave an update on the Sport Resort.

COMMITTEE AND DEPARTMENT REPORTS

Street Department and Water Works – Chuck Litzkow reported that the water bills have been sent to residents. Chuck also reported that the Street Department will continue to pick up twigs and leaves until there is snow.

Plan Commission – Mike Falk stated that a public hearing was held this month to separate the zoning and building codes. He stated that the Plan Commission has not added any code but merely redistributed the code to make it easier for our residents to understand and to have our codes passed by the State. The Plan Commission hopes to have the total rewrite of the building and zoning codes to the Council by November or December, 2017. The Commission also postponed the hearing on the Comprehensive Plan and it has been resubmitted to the originating Committee that drafted the Plan based on Council advice. The Plan Commission hopes to have this Plan to the Town Council by year end. A public hearing for the October Plan Commission meeting has been set for the sign ordinance as proposed by the General Code Committee. Progress has been made on the property at 25 Hillcrest. The property owner has paid fines of \$7,000 to the Town. The owner of 25 Hillcrest is to submit a plan to the Plan Commission by the end of October, 2017 for a clean-up and structural analysis. Mike Falk stated that the Plan Commission has recommended in the past that the full fine for 39 Diana Road be \$10,000 as the homeowner started a wall approximately 30 feet tall without a building permit or engineering drawings. We have worked with this homeowner for approximately three years encouraging them to return the dunes to its natural state. However, this month the homeowner started another project without a building permit or engineering drawings and has encroached on the neighbor's property. The Plan Commission tried working with the homeowner by reducing the fine to \$5,000 to no avail. Mike Falk requested that the Council consider applying a fine to the homeowner in the amount of \$5,000 to \$10,000. Mike Falk also stated that the homeowner at 70 Ogden has multiple

families living within their residence which is a Town Code violation. The homeowner has been approached by the Town Code Enforcer to no avail. The Plan Commission has imposed a \$50 per day fine effective September 21, 2017 on this homeowner until the matter is resolved. The Plan Commission also has two contractors in Town that have violated Town Code by not calling for their inspections and for not following manufacturer and State building guidelines. One of the contractors did not follow the homeowner's engineering drawings. These contractors have been assessed a \$50 per day fine by the Plan Commission until these matters are resolved. The Town Attorney will write a letter to these contractors stating the Plan Commission's decision. Mike Falk stated that these types of contractor violations affect all residents as our insurance rates are based on how well the Town enforces their building codes. Tim Nelson stated that the Council will work with the Building Commissioner to determine if a fine will be assessed and the amount of the fine for 39 Diana Road.

Beach Nourishment – Scott Lehmann stated that two meetings were held with the National Lakeshore to discuss the pending permit request to allow reinforcement of sea walls with armor stone and toe protection. The National Lakeshore reaffirmed its opposition to our permit request based on previous environmental impact studies. The National Lakeshore would prefer sand on the beach as opposed to armor wall. Scott Lehmann stated that a sample letter is being drafted which can be used by residents to contact Governor Holcomb to show our concerns regarding the beach area. This letter will appear on the Town website. Tim Nelson stated that the National Lakeshore is preventing a permit that the Town applied for in 2015 which would allow the properties on the north side of Shore Drive to reinforce their seawall with toe protection which includes heavy rocks and boulders being placed at the base of the wall. This permit was accepted by IDEM and the State Department of Natural Resources; however, the Army Corp of Engineers has been unable to approve the permit because of the National Lakeshore objection. The National Lakeshore states that toe protection conflicts with their mandate based on an environmental impact study done (EIS-Environmental Impact Study) to not allow any structures which, in their opinion, includes toe protection. The Town Attorney needs authorization from the Council to research our legal options. Tim Nelson stated that when this permit is officially denied by the Army Corp of Engineers, we then have a very tight window to appeal and we should ask the Attorney to look at our grounds for appeal. Scott Lehmann moved that the Town Attorney be authorized to research the Town's options on appeal or the homeowner's options. Nate Ball seconded the motion. All were in favor and the motion was unanimously passed.

General Code – Dick Meister stated that the Committee is working on ordinance revisions regarding unnecessary items left on the beach during the winter months.

Environmental Advisory – Susan Mihalo stated that IDEM funds for beach monitoring will be available for 2018. She also stated that eighteen residents participated in beach clean-up day and collected 66 pounds of trash. Susan encouraged the residents to get involved in the NITCD Double Track program. Information is on the website.

Historical Society – Dick Meister reviewed the upcoming programs. Please refer to website for information.

Life Safety Committee – Gerry Scheff stated that the Committee will be hosting resident workshops to inform them of the procedures they can take in case of an emergency. These will be announced on the website.

CLAIMS

Mike Webber moved that the September claims as stated by the Clerk-Treasurer be approved. Nate Ball seconded the motion. All were in favor and the motion was unanimously approved.

OLD BUSINESS

Tim Nelson read Ordinance 831 – 2018 Budget – for the second reading by title only. Kathy Kniola moved to pass Ordinance 831 and Scott Lehmann seconded the motion. The vote of the Council was as follows: Tim Nelson, yes; Mike Webber, yes; Kathy Kniola, yes; Scott Lehmann, yes; Nate Ball, abstain. The motion was passed by a majority of the Council.

Discussion was held on Ordinance 828 which extends the period of time dogs are permitted on the beach. Several complaints by residents of dog waste and unleashed dogs on the beach were addressed. The Council urges dog owners to be more responsible in regards to these two areas.

Discussion was held on the Marquette Greenway (bike trail through Ogden Dunes). No decisions were made by the Council. Nate Ball stated that the Council should keep the Marquette Greenway under consideration.

RESIDENT REMARKS REGARDING BIKE TRAIL

Mike Falk stated that the Town Comprehensive Plan clearly states that the terrain of the Town should be left as much as possible in its original state. He is against the bike trail.

Doug Cannon stated that he does not feel the bike trail will be beneficial to the Town.

Susan Mihalo suggested that the bike trail run along the south side of the Route 12 rather than through the Town.

Walter Sampson stated that he is not in favor of a bike trail through our Town.

Roger Rhodes stated that he is not in favor of the bike trail through our Town since it will lead to nowhere.

Tim Nelson addressed the NIRPC request for a letter from the Town stating the Town's interest in the bike trail. Due to the time restraints of the due date of the letter requested by NIRPC and the need for further consideration of the proposed trail route and location, the Council has decided to take no action at this time. Kathy Kniola will discuss this with Mitch Barloga at NIRPC.

NEW BUSINESS

None

RESIDENT REMARKS

Susan Mihalo, 8 Diana Road, thanked the Street Department for cleaning up Boat Club Road.

Gerry Scheff, 35 Woodland, announced that Saturday, October 7 is Lions Candy Day.

COUNCIL REMARKS

Both Nate Ball and Mike Webber thanked the volunteers on all our Town Committees and the residents who attend the Town Council meetings and provide input.

No further business coming before the Council, Scott Lehmann moved to adjourn the meeting. Kathy Kniola seconded the motion. All were in favor and the meeting was adjourned at 8:25 p.m.

Tim Nelson, President

ATTEST:

Jean Manna, Clerk-Treasurer