

Town of Ogden Dunes
Regular Meeting of the Town Council
August 1, 2011
7:00 pm Firehouse

Pledge of Allegiance

Roll Call: Connie Collins, Brad Wood, Bill Gregory, Eric Haussman, Eric Kurtz. All present

Councilwomen Collins asked President Gregory that she had a point of order and stated she wanted to appeal the order of the agenda under ordinance #31.37 and she had copies for everybody. I had intended to move the correspondence into early after the presentation of the claims as an introduction to the Bond Ordinance. Councilwomen Collins stated according to what the ordinance #31.37 it states as follows 1. Reading of the minutes, 2. Correspondence, 3. Treasurer's Report, 4. Consideration of claims, 5. Presentation of Ordinances and resolutions, 6. Unfinished business, 7. New Business, 8. Reports (community organizations and town officers) 9. Resident's remarks, 10. Council remarks, 11. Adjournment.

President Gregory asked if she was objecting to the order of the meeting for this evening and she stated yes. Alright we will follow 31.37. Is that what you are asking? Yes read the minutes as the next order of business. I am going to use my digression as many residents are here. They are going to want to talk early than later. Since resident remarks are #9 in the order, I am going to use my digression and move them up.

Minutes:

Motion to accept the minutes of June 6th, 2011 was made by Councilman Kurtz and was seconded by Councilman Wood. All were in favor motion passed.

Councilman Kurtz asked that the minutes from July 5, 2011 be deferred until the September meeting. President Gregory said we will move the minutes of July 5, 2011 to next month.

Councilwomen Collins said she had a couple of letters that she would like to read and have put into the minutes. Councilman Kurtz asked if the correspondence was part of the bond issue. She replied yes. He said that they should be read during the reading of the bond issue and said that is a motion. President Gregory said there is a motion to move the reading of the letters to before the bond issue, is there a second Councilman Wood seconded. All were in favor except a nay from Councilwomen Collins. Motion was passed.

Resident Anne Muntean said her letter did not have to do with the bond issue. Councilwomen Collins proceeded to read the letter from Ms. Muntean received on July 3rd, 2011. The letter quoted ordinance #31.40 (introduction and passage of ordinances). Letter will be kept on file in correspondence.

Presentation of Claims:

Councilman Haussman motioned to accept claims #42966 through 43583 and payroll checks # 3195 through 3260. Motion was seconded by Councilman Wood. Any discussion on these and Councilwomen stated yes. There was a claim from Barnes and Thornberg and it was just inserted and I thought we voted on the claims. I know I did not sign it. Councilman Kurtz said we vote on claims. It was the outstanding bill from Jill Woodburn's attorney in the case of the short term rental. He continued to explain the reason for the bill. President Gregory asked if we wanted to exclude that claim and take a separate vote on that, but would like to move on. She replied that she was okay on voting on it. All were in favor motion passed.

Correspondence:

President Gregory said he received a correspondence of a conflict of interest from Eric Kurtz and studio 5. He wanted the board to know that we received it. The treasurer received a recorded copy of a conflict of interest form from Eric Kurtz to be placed in the files.

Bond Ordinance #754.

President Gregory said here's our problem using the order of business with ordinance # 31.37, we have on the agenda an appropriation ordinance it is to be considered after Ordinance #754 which is the bond ordinance I am going to move to unfinished business, and make an adjustment consider the bond ordinance as unfinished business. Councilwomen said, according to the ordinance once an appeal is made it is not subject to change by any councilmember. President Gregory asked if we could move on to Bond Ordinance #754. Councilwoman Collins read the correspondence of an email that was addressed to Eric Haussman and Bill Gregory and carbon copy to the members of the task force, also a letter from Dan Nemeth. Another letter that was unsigned was read. President Gregory asked that an open unsigned letter not be put in with the correspondence.

He feels it is important for everyone to know that the bond ordinance does not obligate us to do anything. It simply allows us to spend up to \$800,000. An additional appropriation would have to be passed that would state the bonds could only be used for this project. That is the legal process we are talking about. President Gregory stated he had a short statement he would like to read and then he would open the floor for comments on this. A survey was done at the time that we took office. Most people did not feel that a new community building was necessary. It was suggested to him that they look into this again. He said the Firehouse task force was created in June 2010, and read the names of the committee. He read a history of the firehouse and also stated to the task force that he wanted to make it clear the council has the last say in this. He wants to let everyone know that and. Options that the taskforce considered was, 1. To do nothing, 2. Remove the old roof and put on a new one, 3. Tear down the community room and build a new one, 4. Tear down and get fire services from someone else, 5. Do nothing and wait until a new council is elected.

We have a bond Ordinance that had a first reading. Councilwoman Collins said no. According to town ordinance #31.40 she read section (A). Councilman Kurtz asked what it was that she wanted them to do and she replied that Attorney Lukmann started to read it did not read the whole thing and we had no vote on it so it was not a first reading. President Gregory asked the clerk treasurer

if she could recall what was in the minutes and Councilwoman Collins said we have it on tape too. The clerk treasurer stated that Attorney Lukmann did only read partial and it was announced that there would be no vote on that reading. President Gregory said that it did not have to be a vote on the first reading. He asked if it was available for anyone and the clerk treasurer answered yes it was. Councilwoman Collins then read (B). Councilman Kurtz recommended that they just read the ordinance now, enter it into the record and read it in toto. President Gregory said we either read it in toto as Miss Collins has suggested and we consider what she said the ordinance and we did not have a first reading of the bond ordinance and therefore we will not have a discussion on it tonight. We either read it or we don't have a bond ordinance and we move forward. Councilman Kurtz suggested that we read it at this meeting by title only the meeting on Thursday the 28th was to meet with the accountants. President Gregory would like to have it read by title only and posted again. Councilwoman Collins said she would make the motion to read the ordinance by title only and Councilman Wood seconded. It shall be posted at the town hall. President Gregory said there is a motion on the floor and Councilwoman Collins asked Councilman Kurtz if he was going to recluse himself from this vote. His reply was no. Councilman Kurtz have you ever been advised to refrain from any issue that involves or concerns the Town and the Fire Department. His reply was no. Councilwoman Collins asked the clerk if she got that and she replied yes. Councilman Kurtz said I mean I did talk to the town attorney. Councilwoman Collins oh-oh. Councilman Kurtz said when I was elected everyone knew that I was on the fire department, and I have been involved with the fire department since 1981. The town attorney has made it very clear that when it comes to me, that in making decisions concerning town buildings and facilities that I have no conflict of interest. In addition the fire department attorney has given me the same opinion and so has my personal attorney. I am a volunteer of the fire department, I am not a shareholder, I receive no financial, I have no shares. It serves no personal benefit to me. I Have more knowledge of the needs of the room. I have experiences and I intend to bring those experiences to the table. I will not recluse myself from this discussion. President Gregory said he has seen a correspondence from the town attorney and I see no reason why Mr. Kurtz needs to recluse himself. It is about reading, a first reading only on the bond issue. That is all we are doing here alright. We are not taking a vote on moving forward on the project. If there is any more discussion on this subject otherwise we are moving forward. Councilwoman Collins state that all she was asking for was a yes or no. The motion on the floor is to read the bond ordinance 754 by title only. All in favor say I, all except Councilwoman Collins voted I and she voted nay. President Gregory said he was going to go back and do a roll call Mr. Kurtz yes, Mr. Hausman yes, Mr. Wood I pass, Mr. Gregory yes, and Ms. Collins yes. The motion passed. People have come to make comment. Councilman Kurtz said I think we should take comments and President Gregory agreed. We will open the floor for 30 minutes and I ask that you limit your comments to 1 minute. Come up and state your name and address. Residents and others that came up are Ed Rooks, Susan Profit, Jon Synder County Assessor, Jim Bennett from the Auditor's office, Walter Sampson Jr., Jean Bargeron, Dave Harbaugh, James Finnegan, Joan Mikol, John Wirth, Bill Kelly, Bob Hicks, Karel Kearl, Dan Manos, Matt Rogatz, Walter Sampson Jr. Each had a little to say on how they felt. President Gregory appreciated your reasonableness and quorum with each other.

Council comments **Eric Kurtz** wants to thank everyone for coming, **Eric Haussman** said this all started back in May of last year when I was asked to serve as the fire house task force chairman. I did not ask for that position. I tried to do the best that I could for this town. He continued to explain what the task force did and what they came up with. Contrary to what people believe I tried to put my best foot forward. I as the people up here did not do anything behind closed doors, we tried to make a point of keeping it open. I apologize to the men and women of the volunteer fire department that deserve a better facility than this and to the citizens of this town who would like a better facility than this. I do not support this project anymore and I will not go forward it. It is not what the town wants. I do not have anything left to give to this or take from it. Thanks very much. **Brad Wood** this is my 6th year and we had something similar with the last council, my personal feelings on this is, that we setup the next council to act on their best judgment. If we don't do something in four years we will be sitting in here sweating again. All that was going on here is that we are putting the steps in place. He continued to explain what this council was doing. **Connie Collins** first of all I want to thank everyone for coming out and giving your opinion. Right or wrong there is a fear out there of this \$800,000 figure. If we sell bonds for \$800,00 are we committed to that amount of money. I am not against a better facility like everyone else. I don't want to go overboard, just build what we need. **Bill Gregory**, I just want to make a brief comment that is a little more personal. I do want to thank you for coming out and appreciate your patience. I just want to say that I don't know if it is a level of hurt. I have made mistakes in my life as a father, husband, made mistakes in my career. I made mistakes as a town council member and as a member of the task force. It has only been in the last four days that I have had members of this town imply that and insinuate, infer, that I am unethical, illegal and that I was part of a manipulative process. Folks that is not me and never will be me, and so that is all I want to say.

Short term rentals:

We have a settlement and mutual lease agreement presented by our attorney and I am not going to read the whole thing. President Gregory read basically what the agreement said, a release and settlement on all claims. The Siwinski's have agreed to pay to the Town the sum of \$28,000 of which payment shall be paid to the parties as stipulated by the Supreme Court, release of any and all claims they will not reinstate and they shall hold the town harmless. Councilman Kurtz moved to approve the settlement that President Gregory executed, motion was seconded by President Gregory all were in favor motion passed.

Town Road paving:

Jim Matthys said the paving should start next week and should be done in four days. Rain could delay it. He will post a map of all the roads to be done. It will be sticky when first put down. Please keep your pets off of it. First roads to be done will be Deer Trail, Diana Court, The Thumb. There will be signs put out the night before to let you know of the road closure.

Hillcrest Road Wall repair update:

Jim Matthys said it is on hold for now. Waiting on the surveyor and elevations. President Gregory asked if he could have something for the next meeting.

Deer management:

We do not have the permit yet. A lot of people have come down with Lyme disease.

Water emergency contingency plan:

Jim Kopp said he is making some changes and will be ready for the September meeting.

Community announcements /information:

Jim Reeder spoke on the recent Stranger Danger program that the reserve officers put on. The kids had a good time. The kids received helmets that were donated to us.

President Gregory read a letter that was sent to the Ogden Dunes Police Department from Weed and Seed. Our department donated the left over helmets to them.

Resident Remarks:

Jay Lauritzen said that him and his daughter were at the beach on Saturday. She was trying out her new wave runner. He was on the beach watching her. He stated that he was next to two National Lakeshore officers. They did not know who he was. He overheard them talking and his daughter was outside of where she should be and they waved her in. They commented on how they had her. They said no warnings for Ogden Dunes. She received a ticket for being within the restricted area for \$100. Councilman Kurtz asked if he could get a copy of the ticket.

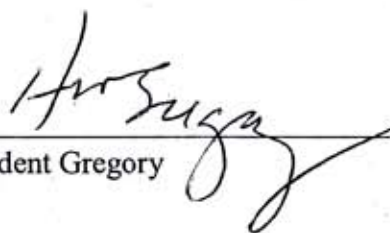
Dorothy Kurtz spoke on a program that will be at the church on Lyme disease.

Other residents that spoke were **Mickey Deboe, Mike Falk, Alex Mackenize, Walter Sampson.** Bob Hicks suggested that the council look into the issues of the sound and cameras.

Next meeting August 22, 2011 at the Town Hall at 6 pm on the 2012 budget workshop.

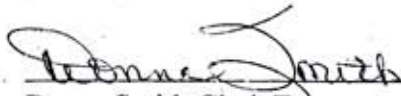
Regular meeting of the Town Council will be September 6, 2011 at 7 pm firehouse.

Motion to adjourn was made by Councilman Kurtz and seconded by Councilman Wood.



President Gregory

ATTEST



Donna Smith Clerk Treasurer

Dated: 9/12/11