

**OGDEN DUNES TOWN COUNCIL MEETING**  
**MONDAY, APRIL 1, 2013 – 7:00 P.M.**  
**OGDEN DUNES FIREHALL**

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

**MINUTES:**

Bill Gregory moved that the minutes of the March 4, 2013 meeting be approved as submitted. Tom Clouser seconded the motion. All were in favor and the motion was unanimously approved.

**CORRESPONDENCE, ANNOUNCEMENTS & CONGRATULATIONS**

Allen Johnson congratulated Madison Kurtz of the Portage High School Girls Gymnastics Team. The Portage team recently won State Champions in Indiana.

Dorothy Kurtz spoke for the Ogden Dunes Community Fund and stated that applications will be accepted for grants until May 1, 2013. The form is on the Town website at [www.ogdendunes.net](http://www.ogdendunes.net). Funding can be obtained for environmental, natural resources, park recreation, historical areas, public safety and civic beautification programming and activities. Completed funding request forms should be submitted to the Clerk Treasurer by the May 1 deadline.

Dorothy Kurtz stated that Tuesday, April 2 at 7:30 p.m. at the Firehall, the Town Beautification Committee is hosting a presentation by Chuck Roth of the Chesterton Feed Store dealing with deer resistant plants, deer repellants and bird feeders that are more deer resistant. She also stated that the Beautification Committee will be working on the gardens soon. On Monday, April 15, the Committee will be cutting the grasses at the Depot Barn and volunteers are welcomed. Please contact Dorothy Kurtz or Gerry Lehmann if you wish to volunteer.

Dorothy Kurtz announced that the Historical Society will sponsor a free presentation on April 21, 2013 at 4:00 p.m. at the Hour Glass. The Valparaiso Clerk-Treasurer will be speaking on the preservation of records. Refreshments will be served.

**COMMITTEE/DEPARTMENT REPORTS**

Park Department

Judith Stiles, President of the Park Board, addressed the Council as to the possible watercraft ordinance that may be considered by the Council tonight. She stated that the Park Board budget has been cut by the SBOA from \$18,000 to \$6,500 and currently to \$1,900. Judith Stiles stated that Park Board has maintained the tennis courts, playgrounds, resurfaced the courts at a cost of \$25,000 and mow their properties. The Town has given the Park Board the responsibility of the buoys which last year cost \$1575.00. They also clean and rake the beach at a 2012 cost of \$400.00 for a total of \$1975.00 which is more than the current budget. She stated that the Park Board could tighten their belts and not clean the beach or mow the properties or eliminate other work they do and perhaps the residents would not mind. She also stated that April 27 and 28 is Town Clean-up Weekend and volunteers are needed. Judith Stiles stated that the watercraft decal fee was put in place to monitor watercraft on the beach and help recover lost or stolen items. Last year 140 decals were sold for a total of \$1,400 which went into the General Fund. The Park Board is asking that a portion of the decal money be earmarked for the Park Board. Charlie Costanza asked Judith Stiles if the Park Board was asking for an increase in the decal fee. Judith stated that this decision was up to the Council and all the Park Board is asking is to receive a portion of the fees collected.

## General Code Review

Charlie Costanza spoke for this committee. He stated that one discussion at their recent meeting centered on staggered terms for Town Council members which would entail two members resigning in 2014. They also discussed the Town recapturing some of the traffic violation fees that are going to funds outside the Town. The Committee also discussed a spending control which would entail that any expenditure over the amount of \$500.00 must be approved by the majority of the Town Council.

## Plan Commission

Mike Falk spoke for the Plan Commission. He passed out a letter from Greg DePorter, Chairman of the Plan Commission requesting the Council to approve Alec Mackenzie as a Deputy Building Commissioner in the absence of Building Commissioner Ed Hewitt who will be going on vacation. The Plan Commission also requested that new language be added to the Town Code which would allow for the suspension and/or revocation of Contractor Registrations in certain circumstances. Allen Johnson stated that the new language for Contractor Registration will be placed on the May Town Council agenda.

## Environmental Board

Susan Mihalo spoke for this Board and stated that a septic awareness campaign is being planned. An educational brochure will be sent to residents with the water bill. Susan stated that the theme for septic awareness week is "Let's Get Pumped". Susan also asked that the Council approve the IDEM contract which is basically the same contract as last year except there will be five water tests per week (Wednesday through Sunday) instead of the four last year. The IDEM contract totally pays for the water testing and costs the Town zero dollars. She also supplied the Council with two contracts as follows: Contract between Town of Ogden Dunes and Beach Water Quality Sampling Technician and a Contract between the Town of Ogden Dunes and Beach Grant Administrator which contracts were required by the State Board of Accounts auditors. **Paul Panther moved that the three contracts submitted by the Environmental Board (IDEM contract, Beach Water Quality Sampling Technician contract and the Beach Grant Administrator contract) be approved by the Town Council. Tom Clouser seconded the motion. All were in favor and the motion was unanimously passed.**

## **CLAIMS**

Paul Panther moved to approve regular claims 044952 through 045004 and payroll claims 4480 through 4522. Bill Gregory seconded the motion. All were in favor and the motion was unanimously approved.

## **OLD BUSINESS**

Paul Panther reviewed the emergency exit situation. He stated that Precoat wants to come through out Town in case of an emergency. He also stated that he participated in an emergency exit drill. It took 5 minutes and 8 seconds from the time fireman opened the Firehouse door to get the Hummer and continue to the gates to get out of Town by way of Boat Club Road and get to the roadway that leads to the National Lakeshore. That included opening two gates. It took two and one-half minutes from the Firehouse to opening the first gate. We now know that the Hummer can be used. If the gates were opened in advance, it was estimated that it would take only two minutes to get out of Town. Bill Gregory stated that he spoke with the Fire Chief and the Town Marshal and was told that Ogden Dunes is part of a National Incident Management System (NIMS) which is a program that has local emergency responders (police and fire). As an example, the fire that occurred on Diana Court a year ago had several fire departments respond. Whoever is the initial Fire Department to respond is consider the first responder and is the incident manager. This means that we do not have to come up with our own evacuation plan as NIMS would be available to us. Paul Panther stated that there are 25 individuals in Town who are trained EMT's. Paul encouraged residents to join Nixle which gives up-to-date information on

extreme weather conditions and any other conditions which may impact the Town. Please contact Town Hall for information on signing up for Nixle on either your computer or cell phone.

Allen Johnson stated that the Council had the first reading of Ordinance 775 at the March 4, 2013 Town Council meeting. After hearing responses from the residents, he feels that there is no point in going forward with this ordinance. **Charlie Costanza moved that Ordinance 775 be eliminated. Tom Clouser seconded the motion. All were in favor and the motion was unanimously passed.**

Allen Johnson read Ordinance 778 (second reading) increasing parking violation fees and Ogden Dunes Homeowners fee. Tom Clouser moved to pass the Ordinance 778 as read. Bill Gregory second the motion. Charlie Costanza stated that he would not vote for any type of fee increases. The votes were as follows: **Charlie Costanza, no; Bill Gregory, yes; Allen Johnson, yes; Paul Panther, yes; Tom Clouser, yes. The motion was passed four to one.**

## **NEW BUSINESS**

Allen Johnson stated that the 2013 budget has decreased due to a reduction in property tax money due to lower assessments. He indicated that the Council will be seeking ways to curtail expenditures. To help with the budget deficit, Allen stated that he is working with Horizon Bank to possibly lower the payments of the Park Board loan which would extend the loan by several years but not increase the interest a lot. Bill Gregory agreed with extending the loan. Council members were questioning the expected tax receipts with which to pay the Park Board loan and asked whether the decrease can be attributed to changing from a bond to a loan and perhaps this is why the State decreased the loan budget. The Clerk-Treasurer is to call the DLGF for answers.

Allen Johnson stated that he called the National Park Service regarding their deer management. Deputy Superintendent Traynham stated that a cull near Beverly Shores culled 88 deer. He said he did not really have any other details and Mr. Knutson would have more answers. Charlie Costanza stated that due to budget cuts, the Town Council should not consider allocating any funds to a deer cull.

Ordinance 782 (increasing fines for feeding deer or raccoons) was read by Paul Panther (first reading). Charlie Costanza objected to this ordinance saying that basically it is the same ordinance the Town already has with the exception of a fine increase. Bill Gregory explained to the residents that this ordinance is meant to enforce the deliberate feeding of deer or raccoons and does not apply to plants which attract the deer. If the plants become a huge problem, he stated that the Council would address the problem.

**Ordinance 779 (eliminates ex-officio member from Park Board) was read by Bill Gregory (first reading). Charlie Costanza moved to waive two readings of this ordinance and to vote on the ordinance at this meeting. Paul Panther seconded the motion. The Council unanimously voted to waive the rules allowing for the ordinance to be passed and adopted on the first reading. Charlie Costanza moved to accept Ordinance 779 as presented. Tom Clouser seconded the motion. All were in favor and the motion was unanimously approved.**

Ordinance 780 (amendments to building codes 152.002 and 152.062) was read by Bill Gregory (first reading). Charlie Costanza stated that this ordinance is stricter than State codes and he is opposed to it. Tom Clouser questioned whether the Plan Commission could overrule the Building Commissioner. Charlie Costanza feels that the Plan Commission should not have this option.

Ordinance 781 (increasing fees for watercraft decals) was read by Allen Johnson (first reading). Charlie Costanza opposed this ordinance and stated that he would not vote in favor of raising any fees.

Allen Johnson made the motion to appoint Alec Mackenzie as Assistant Building Commissioner to replace Ed Hewitt who will be going on vacation soon. Paul Panther seconded the motion. Charlie Costanza feels this is a conflict of interest since Alec Mackenzie is a contractor. Bill Gregory stated he hesitates to appoint a contractor from Town as Assistant Building Commissioner. **The vote of the Council was as follows: Charlie Costanza, no;**

**Bill Gregory, no; Allen Johnson, yes; Paul Panther, yes; Tom Clouser, yes. The motion was passed three to two.**

**RESIDENT REMARKS**

Larry Fierst – Objected to the purchase of a new police car since the mileage was only 40,000 miles. He is also against the new retaining wall ordinance because of the extra cost to residents and is also against any further deer culls.

Jerry Savel – Gave the Council various ideas for ways of saving the Town money.

Ed Rooks – Opposed to increase in watercraft fees

Mark Coleman – Wants the Council to cut spending rather than increase fees

**COUNCIL REMARKS**

Charlie Costanza stated that he is against the new ordinance 780 which includes engineering fees.

No further business coming before the Council, Bill Gregory moved to adjourn the meeting. Charlie Costanza seconded the motion. All were in favor and the meeting was adjourned at 9:30 p.m.

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Allen Johnson, President

ATTEST:

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Jean Manna, Clerk-Treasurer