

**OGDEN DUNES TOWN COUNCIL MEETING
MONDAY, FEBRUARY 3, 2014 – 7:00 P.M.
OGDEN DUNES FIREHALL**

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

MINUTES

Tom Clouser moved to approve the minutes of the January 6, 2014 meeting. Paul Panther seconded the motion. All were in favor and the motion was unanimously approved.

CORRESPONDENCE

Bill Gregory read a letter from resident, Bernadette Slawinski, regarding the Ogden Dunes deer cull and the National Park Service plans for a deer cull.

Bill Gregory spoke of the extreme bad weather we have had for the month of January. He thanked all residents who helped others get through these bad conditions by shoveling a driveway, jump starting a vehicle, checking on a neighbor's house or the well-being of a neighbor. He stated we should all work together to get through the winter.

COMMITTEE REPORTS

Street Department – Jim Matthys spoke for the Street Department and stated that Ben and Dave Newton along with Chuck Litzkow and himself have spent 474 hours plowing the roads and used 325 tons of salt this winter. The Street Department is almost out of salt and has tried to order 100 tons but the salt companies have not delivered to date. Jim Matthys stated that he needs the residents to work with the Street Department due to the shortage of salt. In July, 2013, the price of salt was \$73.00 per ton. In January, 2014, Jim stated that he could get salt from other states but it would cost \$5,000 for just 25 tons. Residents should use either Diana Road or Ogden Road to exit Ogden Dunes. Please do not use Cedar Trail or Hillcrest Road as these roads will not have salt. Information as to which roads will have salt will be placed on the website. Jim stated that he bought a lot of sand and will be using a mix of 50/50 salt and sand. All residents need to utilize their driveways by parking cars in the driveways rather than on the street which interferes with the snow plowing. Many residents have empty driveways and their cars are parked on the easements. Please cooperate with the Street Department and use your driveways. Never push snow from your property into the streets. If you have a fire hydrant near your home, please shovel around it so it will be visible if needed.

Home Association – Bill Gregory stated that The Times newspaper is planning an article of current happenings in the area and Bill has asked the Home Association to respond to this since they are undertaking new projects and events.

General Code Review – Jim Slawinski spoke for the General Code Review and stated that the committee has submitted to the Town Council proposed code changes regarding snow in the street and another regarding trash containers. Jim Slawinski thanked Marshal Reeder for his help with the proposed

changes. Paul Panther questioned the wording of the proposed ordinance change and asked if the Code Review Committee intended to add the words "if possible" to the language referring to "All trash, garbage or recycling containers, bins or other receptacles used for the disposal of any matter shall be retrieved from the side of the street, road, street right-of-way or place by midnight on the day of the scheduled garbage pick-up". Jim Slawinski stated that the General Code Review Committee has submitted these as proposals to the Town Council and the Council has the right to make any changes they see fit. It is not necessary to send the proposed ordinance changes back to the Code Review for their approval. The Council has the final approval.

ADA Committee - Sara Anderson spoke for the ADA Committee and discussed the five-year timeline that was prepared and submitted to the Town Council for approval. Sara would like to arrange a meeting in Town with Alan Hammond, Chief Reeder, Eric Kurtz, a member of the Park Board, a member of the Home Association, Ed Hewitt, and a Town Council representative in March. Charlie Costanza questioned Sara Anderson as to the cost of the projects on her timeline. However, she stated that at this point, they do not have any cost figures; however, they plan to initiate the parts of the timeline that are nominal in cost first. Tom Clouser spoke of the pending grant applications that are being applied for by the Town and the possibility of some being available to help with ADA expenses.

Environmental Advisory Board - Susan Mihalo discussed the crude oil transport trains that pass by our Town. She is concerned with possible oil spills that have occurred in other towns. She is questioning the Town Council as to an alternative emergency exit. She stated that the crude oil trains do not have the same safety regulations as other transport trains. Bill Gregory stated that he would like to work with Susan Mihalo on a proposed emergency exit plan. Paul Panther stated that he would be interested in joining this project.

Sanitation Department – Tom Clouser stated that he and Jim Matthys have been meeting with Chuck Litzkow regarding the homeowner/tenant water and sanitation billing. Tom indicated that he will have a full report at a future meeting.

CLAIMS

Paul Panther moved that December 2013 claims (regular claims 45406 to 45438 and payroll claims 4905 to 4942) and January 2014 claims (regular 045439 to 045491 and payroll claims 4943 to 4981) 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

A discussion was held on the current deer cull. Paul Panther stated that the National Park Service will be doing a cull on the west end of Ogden Dunes and have already started bulk baiting on January 28 and will continue several weeks out with daily baiting. The National Park will determine how many days per week the culling will occur. When this culling begins, the National Park will place a barrier at the Sand Track border. During the cull, there will be no cross country skiing, shoe skiing, hiking, etc. They also plan to close West Beach during the cull. He stated that our cull will not interfere with the National Park Service cull. Paul stated that the National Park plans to cull approximately 1,000 deer in the next few years. Bill Gregory stated that since the National Park has yet to actually start their cull on the west side of Town, he feels that our cull will continue as planned. Thirty-two deer have been culled to date in Ogden Dunes during 16 days of culling. Weather conditions curtailed many culling days. Charlie

Costanza stated that the cull is too long (five months). He stated that the Council stated in the past that the reason Ogden Dunes was having a cull was due to the fact that the National Park was not doing any culls. Charlie stated that since the Park Service is planning a cull on the west side, he feels the Ogden Dunes cull should cease.

Paul Panther made the motion to utilize the General Fund/Emergency Expenses for all deer management expenses over and above the donation fund balance. Tom Clouser seconded the motion. The vote of the Council was as follows: Bill Gregory, yes; Paul Panther, yes; Tom Clouser, yes; Charlie Costanza, no. The motion was passed 3 to 1. Charlie Costanza stated several statistics regarding deer management invoices paid from the General Fund and the Deer Management Donation Fund. All information is available at Town Hall. Paul Panther discussed the outcome of the culled deer in regards to donations to churches and the food pantry. He stated that all deer were used for human consumption and no monetary payments were made to any sharpshooters. He also stated that approximately 340 pounds of deer meat were donated to the Portage Food Pantry. Paul Panther stated that most of the money being spent on the deer cull related to attorney expenses. Charlie Costanza stated that the people had a right to oppose the cull and that the Town Council should have realized that litigation would take place if they went forward with the cull.

A discussion was held on Ordinance 793 which was tabled at the January meeting as Charlie Costanza requested a change of language. However, the Town Attorney advised that the language was correct and conforms to State law. Since the ordinance was tabled last month, Bill Gregory again read Ordinance 793 for the first reading.

Bill Gregory stated that W. Dean Squire and Susan E. Squire have generously donated land to the Town of Ogden Dunes. The land donated is Lots 30, 31, 48, 49 and the West 2 feet of Lot 32 in Block A in Ogden Dunes Fourth Subdivision, in the Town of Ogden Dunes, as per plat thereof, recorded in Miscellaneous Record T, pages 30 and 31, in the Office of the Recorder of Porter County, Indiana. Property address is 17 Bittersweet Lane, Ogden Dunes, Indiana 46368. This parcel of land shall be named "Squire Park". The Squires have consented to paying all costs relating to the donation of this land to the Town of Ogden Dunes including all necessary attorney fees. Therefore, no funds will be expended from the Town budget. Paul Panther read Resolution 2014-02, A Resolution of the Ogden Dunes Town Council Accepting the Donation of Real Estate from W. Dean Squire and Susan E. Squire, Husband and Wife. Bill Gregory moved to accept Resolution 2014-02 as read. Paul Panther seconded the motion. All were in favor and the motion was unanimously approved. Paul Panther thanked Dean and Susan Squire for their generous donation to the Town.

A discussion was held on Ordinance 794, Amending Chapter 34 of the Town Code, adding Memorial Day to the list of employee paid holidays. Original Ordinance 736 done in 2009 inadvertently left off Memorial Day as a paid employee holiday; therefore, Ordinance 794 will correct this error. Tom Clouser read Ordinance 794 by title only for the first reading.

Resolution 2014-01, elimination of personal business property tax by the State of Indiana, was read by Bill Gregory. Paul Panther moved to accept the resolution as read. Tom Clouser seconded the motion. All were in favor and the motion was unanimously approved.

Charlie Costanza moved to accept the contracts submitted by Dunes Electronics and Studio 5 with the Town of Ogden Dunes for the year 2014. Tom Clouser seconded the motion. All were in favor and the motion was unanimously approved.

Bill Gregory announced that Indiana American Water has filed for a rate increase of 6.75% which may not be effective until the end of 2014. This increase will be an addition to the increase requested by the Ogden Dunes Water Board of 17%.

Bill Gregory informed the Council that they received two separate packets of information for their review. One is the "Joint Operating/Teaming Agreement between the Town of Ogden Dunes and the Ogden Dunes Volunteer Fire Department, Inc." and the second is the "Reservation and Maintenance Agreement for the Ogden Dunes Firehouse and Community Center". Council members should review both documents and be prepared for discussion at the March, 2014 Town Council meeting. Paul Panther stated that the Community Center agreement is still in draft form but usable if need be. He encourages all resident input. The community room draft agreement is available through the Clerk-Treasurer for any resident to review.

RESIDENT REMARKS

Jim Slawinski, 33 Aspen spoke regarding the Building Code Review Committee

Bernadette Slawinski, 33 Aspen spoke regarding the letter she submitted to the Town Council and expressed her desire to have the cull ceased.

COUNCIL REMARKS

Charlie Costanza stated that he is available for plowing driveways and Paul Panther stated that several residents told him that they appreciated the fact that Charlie did their driveways.

Tom Clouser stated that NIRPC (Northern Indiana Regional Planning Commission) and the Town of Ogden Dunes will be meeting with Brandt and the new investors of the Marina to discuss the possibility of a "quiet zone" at the entrance of Ogden Dunes.

No further business coming before the Council, Charlie Costanza moved to adjourn the meeting. Paul Panther seconded the motion. All were in favor and the meeting was adjourned at 8:35 p.m.

Bill Gregory, President

ATTEST:

Jean Manna, Clerk-Treasurer