

**OGDEN DUNES TOWN COUNCIL MEETING
MONDAY, MAY 7, 2012 - 7:00 P.M.
OGDEN DUNES FIREHOUSE**

Present: Charlie Costanza, Paul Panther, Tom Clouser, Bill Gregory, Allen Johnson
Julie Paulson, Associate Attorney was present to represent Attorney Lukmann

Allen Johnson stated that since Election Day is Tuesday and the Firehouse must be set up, we would try to keep the meeting as short as possible.

Allen Johnson made the announcement that Town Hall will be opened from 8 a.m. to 12 p.m. on Saturday, Sunday and holidays beginning May 5, 2012 through Labor Day, September 3, 2012.

Tom Clouser moved to approve the minutes from the April 2, 2012 meeting. Charlie Costanza seconded the motion. All were in favor and motion approved.

Resident Remarks:

Several residents spoke regarding the possibility of having all at-large members comprising the Town Council instead of Ward members. This is being considered due to the mandatory redistricting by the State this year. Frank Stimson noted that Ogden Dunes now has only one precinct since we have less than 1,000 registered voters.

Controlled burns were also discussed by one resident in regards to the tick problems.

As a result of Charlie Costanza's request, Allen Johnson stated that the Council requested Attorney Lukmann to do an investigation into the allegations discussed at last month's meeting and the Council has received the results. He indicated that the letter was attorney-client privilege and would not be read. Allen Johnson stated that Marshal Reeder's letter from February, 2012 had a number of facts regarding several incidents and Attorney Lukmann has determined that the facts alleged in Marshal Reeder's letter are for the most part true. Allen Johnson stated that this may be discussed again at a later date.

Correspondence:

Allen Johnson then announced all the various correspondence received by the Council. A letter was received from resident Karel Kearl which Allen Johnson stated would be addressed by the Water Department. Comparative Financial Statements dated April 12, 2012 by Umbaugh CPA firm regarding the Ogden Dunes Municipal Sanitation Department and Municipal Water Department was received. A notice was received from the Porter County Council regarding the funding of 911 services. Several miscellaneous pieces of correspondence were acknowledged but not discussed and handed over to the Clerk-Treasurer for retention.

Allen Johnson stated that the Clerk Treasurer would like to have one email address from each Commission/Board for communication purposes.

Committee Reports:

Jim Matthys reported for the Street Department and indicated that the road striping has not been started due to rain. Barring any rain, the striping will start this Wednesday, May 9, 2012. He asked residents to please stay off the yellow lines which will have cones until they are dry within 2 to 3 hours. He also stated that rocks were brought in today for the Hillcrest Wall project and Hillcrest is now closed from the Ledge to Beach Lane. Only residents are allowed to go through the "closed" area. The wall project will begin tomorrow.

Tom Clouser discussed the dura patching with Beverly Shores. He stated that Resolution 2012-01 will be approved to cover all the legalities of this 2-day job. Tom Clouser stated that the agreement has been approved by our Attorney and Beverly Shores' Attorney. He also stated that the Town will receive about \$7,000 from Beverly Shores. Tom Clouser stated that we have done jobs of this nature in 2003 for Dunes Acres. Resolution 763 was read by Julie Paulson, Associate Attorney. Charlie Costanza made the motion to approve Resolution 763 along with the attached agreement between Ogden Dunes and Beverly Shores. Bill Gregory seconded the motion. The motion was unanimously approved.

Allen Johnson stated that it is necessary to amend the Street Department funding motion made at the April 2, 2012 Council

meeting. Bill Gregory made a motion to amend the motion made at the April 2, 2012 Town Council meeting regarding approval of the Street Department project as stated by Jim Matthys to be funded by the Sanitation Department by striking the words "funded by the Sanitation Department" and substituting the words "funded by Local Roads and Streets/Contractual Equipment Repair in the amount of \$5,200.00; Motor Vehicle Highways/Contractual Services in the amount of \$3,316.00; Town of Ogden Dunes in the amount of \$3,825.00 which amount will be reimbursed to the Town by the Sanitation Department". Tom Clouser seconded the motion. The motion was unanimously approved.

Marshal Reeder stated that the new police car and two new bicycles were ordered. The bicycles will be used for beach patrol mainly on the weekends. He also indicated that the Town has an abundance of surplus equipment (lost recovered property). Julie Paulson indicated that in order to have an auction the Council must meet publication requirements. Paul Panther made the motion to allow the Police Department to conduct an auction for surplus goods. Tom Clouser seconded the motion. The motion was unanimously approved. Marshal Reeder stated that restricted beach parking began on May 1 and residents should pick up their permits at Town Hall.

Greg DePorter, Chairman of the Planning Commission gave a report and indicated that 32 permits were issued year to date. He also stated that the Planning Commission is involved in a resident outreach program to better inform them of what work needs or does not need a permit. In the last water bill, a notice was included to introduce Ed Hewitt as the new Building Commissioner. Greg stated that Ed Hewitt has done a great job of organizing a lot of paperwork in the short time period he has held this position. The Planning Commission will also run an ad on Channel 26 stating basically the same items that were listed with the recent water bill. He also thanked Jim Slawinski, Mark Coleman and Jean Manna for their help in getting the codes on the website. Greg stated that the records for the Planning Commission should be put on digital storage due to limited storage space. He would like the Council to consider allocating \$1,000 for converting the paper documents (especially the large documents which could be up to 18" x 30" in size and could cost 60 cents to \$1.00 to convert) to digital storage. Ultimately, the goal is to have one file per house. Allen Johnson stated that he agrees with the digital storage but believes that the budget may not be able to fund it this year but allocation in next year's budget is possible. He also stated that he would discuss with the Clerk Treasurer's Office if perhaps funding is available this year. Bill Gregory asked Greg DePorter to supply the Council with a list of "nuisance properties". Greg DePorter stated that most of the properties on the nuisance list are second homes and more challenging to deal with as often times it is difficult to track down the owner or the owner may tell you that they do not have the funds for repairs or maintenance. The Town could fix the property with Town money and then place a lien on the property holder. However, right now this action is not feasible. The Planning Commission is now working with the homeowner to have them do whatever is possible to fix up the property. Greg stated that last year there were 19 nuisance properties and this year there are only 4 or 5.

Duane Hibbs, President of the Water Board stated that they held two meetings this month and have completed the following procedures: new consumer procedure; meter reading and billing procedure; late billing procedure and shut off procedure. These have tentatively been approved and will be reviewed the second time and be available to the public in approximately one month.

Jim Kopp reported for the Sanitation Department. There is currently a contract for sanitation that does not include water. We are currently reviewing with our liaison to amend this contract to include water and sanitation or to have two contracts--one for sanitation and one for water. He also discussed the pink sheets that were included with the last water bill and stated that 80% of residents have returned them. He said all new residents will be required to complete this form so we have contact information for all residents. This information is also needed for the Police and Fire Department to locate residents.

Susan MiHalo spoke for the Environmental Board. She stated that beginning May 26 through Labor Day water samples will be taken on Wednesday, Friday, Saturday and Sunday each week at 7:00 a.m. and test results will be back by 11:00 a.m. Samples will be taken from four locations on the beach and an additional sample near Burns Waterway close to Portage Lakefront side. Susan also stated that they are allowed to now close only one side of the beach if necessary and leave the other side opened as opposed to closing the entire beach as in the past.

Paul Panther reported on the meeting with the Porter County Council held on April 24 regarding 911 funding for Porter County. He indicated that the funding may come from a tax on our telephones. Marshal Reeder indicated that an additional 90 cents in tax is being proposed by the State on both landlines and cell phones to fund 911 but it has not been determined how much of this tax will stay with the State and how much will be allocated to municipalities.

Charlie Costanza stated that the Building Code Review Committee will meet tomorrow at 7:00 p.m. in Town Hall.

Beautification Committee will be gardening on Tuesday at 8:00 a.m. beginning May 15 and all volunteers are welcome.

Clerk Treasurer presented claims number 44351 to 44408 and payroll claims 3970 to 3991. Paul Panther made the motion to approve the claims. Charlie Costanza seconded the motion. The motion was unanimously passed.

Allen Johnson reported on the Deer Management Task Force. He stated that they had a list of topics to be covered and he let the members decide which topic they would like to handle. He believes that each topic will have various pro and con conclusions to be passed on to the Town Council. He stated that the NPS submitted a Deer Management Plan to Washington and after several

years it is now approved. An article was read from the Post Tribune regarding the White Tail Deer Management Plan at the National Lakeshore Park which contains a combination of lethal and non-lethal methods including sharp shooting, capturing and euthanasia and non-surgical reproductive control of does. The Plan included four alternatives. Alternative A was fencing, limited use of repellants and inventory and monitoring efforts. Alternative B included non-lethal methods such as exclosures, greater use of repellants and non-surgical reproductive control for doe. Alternative 3 offered the measures in the first two plans as well as sharp shooting and capture and euthanasia. Alternative 4, which was selected by the Park, includes sharp shooting, euthanasia, reproductive control, fencing and use of repellants.

A website is setup at <http://parkplanning.nps.gov/ind> with more information. Charlie Costanza addressed the Council regarding the fact that since the NPS has a deer management plan that perhaps Ogden Dunes can eliminate any deer management plans since the NPS surrounds us. Paul Panther feels that Ogden Dunes should cooperate with NPS and discuss with them their plans to see what affects it will have on our Town. Allen Johnson stated that the Deer Management Task Force has discussed alternative methods such as fencing, birth control, etc. He would like to begin the process of seeking permits with the DNR for these alternative methods since the time frame for obtaining them would be long. We are not obligated to use the permits but we will have them if needed. Paul Panther said we should pursue these permits to determine if any of these methods are allowed by the DNR; therefore, the Deer Management Task Force will not be pursuing a method that ultimately will not be approved by the DNR. Bill Gregory made the motion that Allen Johnson, as head of the Deer Management Task Force, take steps to obtain permits from the DNR to use birth control methods, 4-poster method or a method to apply insecticides and capture and relocate. Tom Clouser seconded the motion. The motion was unanimously approved.

Charlie Costanza reported on the emergency exits and a bike path by the NPS. The NPS has a proposed plan that would allow three exits across National Park and Portage land. One would be west toward West Beach along Long Lake Park by the tennis courts, one would be eastward toward USS bridge on the Sand Track Trail which they would pave at no cost to the Town. Also, they would give us ownership of Boat Club Road that we could use for emergency exit or a permanent road. This would all be allowed if we would allow a bike path down Sand Track Trail which is already a bike path. The eastern exit of Boat Club Road could be reconfigured to connect to the Indiana Harbor Belt Bridge that goes across Burns Waterway to USS bridge instead of going through the pallet area at Precoat. We would no longer be blocked by trains if we make Boat Club Road a permanent road. Sand Track Trail is currently a public trail owned by the OD Park and Recreation Board and the Home Association owns land on the sides of this Trail. This would be a land swap--we would allow use of Sand Track Trail which we already allow for bikes and they would give us Boat Club Road. The NPS needs a referendum from the Town Council to move forward and they would do a study at a cost of approximately \$50,000 to the NPS. Charlie Costanza also stated that he feels a committee chosen by the entire Council should be formed to review this plan and report back to the Council. The plan could be voted on by the entire Town by referendum included with the water bill. Charlie Costanza made the following recommendations for residents who would be beneficial to this committee: Jim Slawinski, Roger Rhodes, Judith Stiles, Tom Froman, Jim Matthys, Charlie Costanza and Allen Johnson. He also feels it is important to have people who are known for their opposition to this plan such as Susan Cunningham and Kitty Cozza. Allen Johnson feels there would be resident opposition should the Council consent to relinquish Town land. He stated that the NPS wants to run the bike trail from some point in Gary through our Town. Tom Clouser stated that years ago a survey was done in Town by the Park Department to determine what was the most important resident concern in our Town (ie, beach, security, environment, etc.) and the number one concern was security. He stated that we need to be careful if we decide to open up this Town and possibly compromise our security with bike trails and additional emergency exits. Paul Panther asked that this topic be tabled till the next meeting.

Allen Johnson stated that a public educational meeting will be held on May 30 by the Deer Management Task Force. Location and time has not been set but will be announced.

Senator Karen Tallian discussed the State of Indiana mandatory redistricting law. Redistricting in all municipalities must be done by December 31, 2012. We must either redistrict the wards or eliminate all wards and have all at-large members. Senator Tallian stated that it is very difficult to find willing people to run for Town Council positions within each Ward. By having at-large members, the field of willing, competent candidates would be greatly increased. She stated that they have few volunteers for Town Council and instead had to seek candidates. She also stated that there is no law defining the absence of a candidate in a ward. In order to have at-large candidates, a non-ward ordinance would need to be passed. Cities and Towns and the Indiana Election Board both have a model ordinance that can be used for adoption of the at-large wards. She also stated that an alternative might be to decrease the five wards to three wards and add two at-large members. She said she would confirm this with the Indiana Election Board and report back to the Town. Allen Johnson suggested that the Town Council hold a special meeting on June 10, 2012 to discuss only this one item. The public can then express their thoughts on this matter. Time and place to be announced.

Allen Johnson stated that many of the Town's codes should be reviewed and revised if necessary. As an example, he stated that there are vehicles in Town which never move and perhaps this problem could be addressed in a code. He has suggested that a committee be formed to assess the current codes. Paul Panther suggested that a notice be placed on the website for volunteers. Applications would be available at Town Hall and should be completed by the next meeting. Allen Johnson stated that he would initiate the notice on the website.

Paul Panther stated that there have been meeting conflicts where two Committees have chosen the same meeting room at the same

time. He has advised all Committees to check on the availability of the meeting room before setting their meeting date. This can be done by calling Donna Smith at Town Hall.

Tom Clouser stated that Jim Matthys redid an old original bench donated by the Lions Club for one of the Long Lake Playground. Jim Matthys stated that the bench has the original plate which he cleaned.

No further business coming before the Council, Paul Panther moved to adjourn the meeting. Tom Clouser seconded the motion. The motion was unanimously passed.

Allen Johnson, President

ATTEST:

Jean Manna, Clerk-Treasurer