

DRAFT

**OGDEN DUNES TOWN COUNCIL MEETING
MONDAY, APRIL 2, 2012 – 7:00 P.M.
OGDEN DUNES FIREHOUSE**

PRESENT: Bill Gregory, Tom Clouser, Charlie Costanza, Paul Panther, Allen Johnson
Attorney Lukmann was also present for this meeting.

Paul Panther moved to approve the minutes from March 5, 2012 and March 26, 2012 meetings. Tom Clouser seconded the motion. All were in favor and motion approved.

Bill Gregory read a letter received from Chief Troy Williams, Portage Police Department, discussing Officer Tim Beach's professional handling of a shots fired call and a suspicious vehicle in the area of Stagecoach and Marine. Bill Gregory thanked Officer Beach for his services.

Paul Panther moved to accept the claims as read by the Clerk-Treasurer. Allen Johnson seconded the motion. All were in favor and the motion was passed.

Listed on the agenda was "Town Marshal/Attorney investigation" and this was moved to the May Town Council meeting as Attorney Lukmann has not finished his investigation.

Allen Johnson reported on the Deer Task Force and indicated that they are working on the educational seminar and as of now there is no specific date set. They are planning a weekday seminar in May depending on the availability of the guest speakers who will be donating their time. When the date and times are finalized, Allen Johnson will pass on this information to residents. He encourages all residents to submit any information they may have to the Task Force. Charlie Costanza indicated that residents have complained that the Town Council is not doing anything about the tick problem. He would like to do something now about the ticks such as controlled burns in Suerenity and Bittersweet and asked if the Fire Department could help. Charlie Costanza said he has read that you can eliminate 95 percent of the ticks with a fire. He believes it should be done now before all the trees begin blooming. Allen Johnson said he would support that idea but it would be up to the Fire Department. Luke Brennan commented that they did have prescribed burns in the fall at Bittersweet Forest and if they did another one there would not be enough fuel for the fall. Also, he stated that he does not know if a prescribed fire eradicates ticks. Bill Gregory stated a burn was started in Suerenity Park but he does not believe it was finished. He asked Luke Brennan to report to the Council if burns were actually completed for Suerenity and Bittersweet. Susan MiHalo stated that approval, which would take several weeks, would be needed by IDEM to do a prescribed burn. Luke Brennan stated that he does not believe we would get approval because everything is too green in those areas. Bill Gregory also stated that residents should be encouraged to take all the precautions they can to avoid getting ticks. He stated that there is information online and at Town Hall. Charlie Costanza stated that he has read about "Damminix Tick Tubes" (www.ticktubes.com) and suggested that the Town purchase these and sell them to the residents who need them instead of waiting till June to get recommendations from the Deer Committee. Bill Gregory suggested that another product is available (permethrin) that can be put on clothes to repel ticks.

Charlie Costanza reported on the emergency exits and stated that he will have the second meeting with Mr. Dillon of the NPS and AJ Monroe of Portage on April 20. They are very much interested in helping us get an emergency exit from Town. He stated that the first exit to be opened is likely the western one towards West Beach parking area. We are also trying for one on the east side of Town but everything has to be talked over with all parties involved including USS and Precoat Metals. Tom Clouser questioned whether there would be a gate at the exit so that it would be for emergency use only and Charlie Costanza confirmed that it was indeed for emergency use only.

Ed Hewitt, Building Commissioner, reported on the Hillcrest Wall repair. He indicated that some quotes included alternative methods but were deemed unacceptable by the engineer. We then made sure that the lowest quote met the insurance requirements and time frame for the contract. Our recommendation is that the contract be awarded on the original documents and be awarded to Small's Landscaping. Paul Panther moved to accept Ed Hewitt's recommendation for accepting the quote of Small's Landscaping. Tom Clouser seconded the motion. The votes were as follows: Bill Gregory, yes; Tom Clouser, yes; Allen Johnson, yes; Paul Panther, yes; Charlie Costanza, refuse. The motion was passed.

Discussion was held on codification of ordinances. Clerk-Treasurer reported that the quote from American Legal to codify approximately 14 ordinances was \$1,300 to \$1,800. Clerk-Treasurer recommended that this expense be held until year-end to see how the budget progresses. Charlie Costanza asked that the additional 14 ordinances be put on the website. The Clerk-Treasurer indicated that these have already been passed on to Mark Coleman about one week ago. Once Mark puts these on the website, all ordinances will be up to date. Bill Gregory stated that the Council will wait till year-end to review the codification again.

Bill Gregory stated that funds are available in the 2012 budget for a new police vehicle. Marshal Reeder is asking for approval to order a replacement vehicle for this year. If the Council approves, Marshal Reeder will order the vehicle tomorrow. Paul Panther moved that the Council should approve Marshal Reeder ordering a new vehicle. Allen Johnson seconded the motion. Charlie Costanza asked the cost of the vehicle and Marshal Reeder stated that it was approximately \$22,500. All were in favor and the motion was passed.

Bill Gregory addressed Marshal Reeder concerning the Memorandum of Agreement, Law Enforcement Assistance, between the National Park Service and the Town of Ogden Dunes. Marshal Reeder stated that he has discussed this with other nearby towns and apparently the National Park Service is requesting this of all local towns. Basically, this is an agreement that the Ogden Dunes Police handle the calls within the Town and the National Park takes care of the Park but should one or the other need assistance we can contact each other. We are each responsible for our own employees. Attorney Lukmann stated that it was important to note that the Ogden Dunes Police should not abandon the Town should they be asked to assist at the NPS. Paul Panther moved to accept this agreement and Tom Clouser seconded the motion. All were in favor and motion was passed.

A discussion was held on the Town Attorney fees. Bill Gregory stated that Attorney Lukmann does not have an agreement with the current Town Council; therefore, an agreement must be put in place. Attorney Lukmann has suggested reducing the retainer from \$600 to \$200 per month and billing on an hourly basis of \$190 per hour for any services provided. Attorney Lukmann stated that his rate has remained the same for 7 years and he does intend to take phone calls as he has always done in the past. Charlie Costanza asked if the attorney would attend all meetings. Attorney Lukmann stated he would attend any meeting, if available, and if requested to by a majority of the board members and that there would be a charge for his attendance. Allen Johnson moved to accept the new attorney fees as stated by Attorney Lukmann. Charlie Costanza seconded the motion. All were in favor and the motion was passed.

Bill Gregory stated that a law is in effect requiring all municipalities in Indiana to redistrict. He indicated that the redistricting could be avoided if the Town would eliminate the wards and have at-large Council members. He also indicated that Senator Karen Tallian has offered to come to our May meeting to discuss the advantages and disadvantages of at-large elections. Charlie Costanza indicated that the at-large changeover would be very easy as only an ordinance is required. He feels the redistricting would be an involved process. He also suggested staggering the terms of the Town Council members so that voting occurs every 2 years which would only replace some members of the Council rather than the entire Council as it stands now. Charlie Costanza is in favor of at-large Council members. Allen Johnson agreed with the at-large procedure. Tom Clouser stated that once you go with staggered elections, you cannot go back to wards. Tom Clouser also stated that with at-large members you could end up with 5 members all at one end of Town and we need to make sure all residents are represented. Bill Gregory suggested that the Clerk-Treasurer and Paul Panther participate in the April 26 Webinar regarding

redistricting so we would be as educated as possible for our talk with the Senator Tallian next month. Attorney Lukmann has educational material from the IACT redistricting seminar which he will pass on to the Clerk-Treasurer. Charlie Costanza indicated that the Town is only one square mile and sees no problem with at-large elections. He also stated that you can go back to Wards if you so desire. If we opt for staggered Town Council terms, you cannot go back.

Bill Gregory said that the IDEM beach monitoring contract for 2012 has been submitted to him. Susan MiHalo stated that the contract is essentially the same as last year but will include only 4 days of monitoring instead of 5 due to financial constraints. This will be the first year the contract calls for dividing the beach into two parts which would mean that if one side is out of compliance we would only have to close that side rather than the whole beach as we had to do in previous years. The contract will start the Saturday of Memorial Day weekend and end on Labor Day. Monitoring days will be Wednesday, Friday, Saturday and Sunday. Paul Panther moved to accept the contract as is. Tom Clouser seconded the motion. All were in favor and motion was passed.

Election of new Town Council President and Vice President was held. These appointments will begin with the May meeting. Paul Panther moved that Allen Johnson be elected as President with Tom Clouser as Vice President with both appointments ending December 31, 2013. Bill Gregory seconded the motion. Charlie Costanza opposed the ending term being 2013 and felt the term should end in 2012. Bill Gregory called for a roll call of votes by the Clerk Treasurer. Votes were as follows: Charlie Costanza, no; Bill Gregory, yes; Allen Johnson, yes; Paul Panther, yes; Tom Clouser, yes. The motion was passed.

Charlie Costanza announced that the Building Code Review will begin meeting in April, 2012 on the second Tuesday of each month at 7:00 p.m. at Town Hall. The Clerk-Treasurer has advised the media of all Building Code Review meetings for the year 2012.

Jim Matthys, Street Department, informed the Council that because of the repaving of roads done last year, striping needs to be done now and will only be done in critical areas and curves—not all streets. He indicated that blue reflectors would be placed in the middle of the road to indicate that a fire hydrant is either to the right or left enabling the Fire Department at night to quickly see where a hydrant is located. Jim Matthys wants to contract the striping of the roads as he does not have the proper equipment to do this. He indicated that his striping would only last one year as opposed to highway striping which lasts 3 to 4 years and is reflective. Jim Matthys is requesting the Council to approve this project which will be funded by the Sanitation Department. Paul Panther moved that the project suggested by Jim Matthys and funded by the Sanitation Department be approved. Charlie Costanza seconded the motion. All were in favor and motion was passed.

Jim Matthys indicated that leaves would be picked up two more times and chipping will start next Monday. Residents are not to put out railroad ties or wood with nails for chipping. Spring Clean-up will be held on April 21 and 22, 2012. He indicated that there will be designated areas for residents to dispose of specific items. He will also come to a resident house for large items if necessary.

Judy Mollway talked about Clean-up Weekend and indicated that there will be an e-waste bin for unusable electronics. She stated that on April 18 and 19, Habitat for Humanity will come to a resident home to pick up usable building materials, appliances, electronics or household items. You must schedule a pick up with Judy Mollway. Information will be on the website and a flyer to come in the mail.

Jim Kopp, Waterworks, stated that the water bills will be coming and will include several flyers about the clean-up weekend, the Habitat for Humanity project and a recycle list from Able.

Dwayne Hicks reported that the Water Board would be meeting on Thursday, April 5, 2012 at 8:00 a.m. at Town Hall. Policies and procedures will be discussed.

Bill Gregory encouraged all new members of the Town's Boards and Committees who have not been sworn in

as yet to please contact the Clerk Treasurer.

Marshal Reeder announced that a part-time position for Front Desk Help at the Police Station is opened for summer help at \$10.50 per hour for Saturday, Sunday and holidays.

Jim Kopp stated that online payments are in process by the Town for water bills and various other charges and there would be a \$5.00 convenience fee for ACH payments and the credit cards will be somewhere between \$5.00 and \$13.00. These fees are for each quarter.

Various resident remarks included topics such as at-large voting, yard signs, surveys that were held on the deer cull and a suggestion for a referendum on the deer cull matter.

Bill Gregory thanked all the volunteers who participated in the firehouse renovation. Paul Panther said that it was estimated that \$30,000 to \$35,000 of volunteer labor was put into the renovation. Bill Gregory indicated that Tom Tittle is working on the installation of microphones and speakers. He asked that when residents have events at the Firehouse they not put tape or thumbtacks on the walls.

No further business coming before the Council, Allen Johnson moved to adjourn the meeting. Paul Panther seconded the motion. All were in favor and motion was passed.

Bill Gregory, President

ATTEST:

Jean Manna, Clerk Treasurer