

DRAFT

OGDEN DUNES TOWN COUNCIL SPECIAL MEETING MONDAY, APRIL 15, 2013 – 5:00 P.M. OGDEN DUNES TOWN HALL

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

MINUTES

Paul Panther moved to accept the minutes of the April 1, 2013 meeting as submitted. Tom Clouser seconded the motion. All were in favor and the motion was unanimously passed.

ANNOUNCEMENTS

Allen Johnson read a letter from BP Fabric of America to the Ogden Dunes Police Department which included a donation check of \$300.00.

OLD BUSINESS

Allen Johnson did the second reading of Ordinance 780. Charlie Costanza questioned why this was the third reading of this ordinance and Allen stated that initially the first reading was not announced as such (Note from Clerk-Treasurer – the first reading of this was only a proposed definition of the ordinance and had not been written as a true ordinance). Charlie also questioned the definition of a retaining wall specifically “a wall not supported at the top” and stated that a lot of walls have geogrid (a piece of fabric at the top that supports the wall). He stated that according to this definition a wall with geogrid would not be considered a retaining wall because it does not have lateral support at the top. He asked Allen to answer his question and Allen replied that he was not able to answer as he was not an engineer. Charlie questioned the cost of engineering for a retaining wall. Bill Gregory stated that he spent \$2,800 for his wall on engineering and felt it was money well spent. Charlie feels that this is an added unnecessary expense to homeowners. **Paul Panther moved to adopt Ordinance 780 as read and Bill Gregory seconded the motion. The vote was as follows: Allen Johnson, yes; Bill Gregory, yes; Tom Clouser, yes; Paul Panther, yes; Charlie Costanza, no. The motion was passed four to one.**

Bill Gregory did the second reading of Ordinance 782. Charlie Costanza stated that the ordinance did not include language regarding residents who plant plants which deer eat. Charlie stated that this would be considered “feeding the deer”. Allen Johnson stated that he does not believe this will be addressed as a violation to this ordinance. Charlie stated that the cost of writing this ordinance by the Town Attorney would exceed the amount of fines collected and feels it is an unnecessary ordinance. He also stated that a similar ordinance is in place and that Ordinance 782 only changes the fee amount. Allen Johnson said the new ordinance would be more of a deterrent. **Bill Gregory moved to approve Ordinance 782 as read and Paul Panther seconded the motion. The vote of the Council was as follows: Allen Johnson, yes; Bill Gregory, yes; Tom Clouser, yes; Paul Panther, yes; Charlie Costanza, no. The motion was passed four to one.**

Allen Johnson discussed the pending extension of the Park Board loan. He indicated that there is sufficient money in the fund (\$38,000 in General Fund plus \$21,000 from the State) to pay this loan in 2013. Therefore, no extension will be sought this year with Horizon Bank.

NEW BUSINESS

Allen Johnson stated a motion is needed to approve payment of the Street Department salt/sand box for the new 2013 truck in the amount of \$9,114.00 to be paid to Lindco Equipment Sales from CEDIT funds (as approved by Charlie Pride) rather than MVH or General Fund as previously discussed. Allen Johnson stated that the old truck would be sold and the proceeds from the sale would be returned to CEDIT. Charlie Costanza stated that Jim Matthys (Street Department) was willing to pay the Lindco invoice from the salt fund. Tom Clouser indicated that the Town has gotten approval from the State Board of Accounts to use CEDIT money to pay the salt/sand box. Tom indicated that CEDIT has \$66,000 and that it accumulates each month. Charlie questioned the \$10,000 in the sand/salt fund and Tom replied that the money would remain there until the end of the year and possibly transfer to Rainy Day Fund. Tom Clouser stated that Jim Matthys will be sending notices to other municipalities and landscapers indicating that the old truck is for sale. Charlie suggested keeping the old truck which would take some of the burden off the new truck and the new truck would last longer. He feels that by keeping the old truck, the Street Department could continue picking up leaves later in the year as they would not have to convert the truck for snow removal. Charlie stated that the old truck we sold years ago is still being used by LaCrosse and that was 10 or 15 years ago and stated that these trucks can last longer than a few years. Tom Clouser stated that the hills in our Town put more wear and tear on our trucks. Allen Johnson stated that the new truck will be a four-wheel drive and the old truck to be sold is only a two-wheel drive. Allen Johnson stated by keeping the old truck, it would be more equipment than the Town needs. **Bill Gregory moved to pay the salt/sand box from CEDIT funds and Tom Clouser seconded the motion. The vote of the Council was as follows: Allen Johnson, yes; Tom Clouser, yes; Paul Panther, yes; Bill Gregory, yes; Charlie Costanza did not vote as he is opposed to this ordinance. The motion was passed four to one.**

RESIDENT REMARKS

Jon Machuca stated that he was against Ordinance 780 and that he spoke with people in Town who are against this. He felt the Council should go around the Town and get the opinion of the people before passing ordinances. He also stated that he is against Ordinance 782.

COUNCIL REMARKS

Tom Clouser stated that the attorney bill for March 2013 was \$2,005.00 and that \$997.00 was a matter involving Charlie Costanza when he sued the Town regarding an open door law. Charlie stated that he did not "sue the Town" but rather he filed a complaint and the Attorney lied in his response to Charlie's complaint. Charlie stated that the attorney claimed there has never been an Architectural Review Committee and there has clearly been one as Mike Falk put it on his resume to the Town. Charlie also stated that there was a conflict of interest in Ordinance 780 as it clearly benefits the engineers in Town and engineers on the Plan Commission who made this ordinance. Bill Gregory stated that there are numerous engineers around the area who can perform the engineering. Charlie stated that another conflict is hiring a contractor from Town to be the Building Commissioner. He feels the last Building Commissioner had a conflict and the Town dismissed him and that the Town should not repeat the process with another conflict. Charlie then spoke about the police surveillance camera placed in

Charlie's district in Town. He indicated that he questioned the reason for it but no one got back to him. Tom Clouser stated that it was a police investigation and Paul Panther stated that Charlie compromised the investigation. Allen Johnson stated that the surveillance information was posted on Facebook before he had a chance to even get back to Charlie. Charlie also stated that he asked Paul Panther about the missing police equipment but Paul never got back to him. Paul stated that the reason he did not reply was because he knew nothing about the situation. Paul Panther stated that the information should stay with the police while it is under investigation. He also stated that he understands that Charlie had the information about the surveillance camera and he or someone he told placed the information on Facebook which compromised the investigation. Paul Panther suggested that Charlie Costanza go to Chief Reeder concerning any police business. Charlie stated that Chief Reeder will not meet with him. Bill Gregory told Charlie to call him when Charlie needs to speak with Chief Reeder and Bill will go with him and meet with Chief Reeder. Paul Panther also stated that he would be available to go with Charlie to see Marshal Reeder should Charlie need a meeting with Marshal Reeder.

No further business coming before the Council, Paul Panther moved to adjourn the meeting. Tom Clouser seconded the motion. All were in favor and the meeting was adjourned.

Allen Johnson, President

ATTEST:

Jean Manna, Clerk-Treasurer