

October 8th, 2019 Council Meeting Minutes

7:05pm The meeting was called to order by Vice President Robert Uryga. After the Pledge of Allegiance, roll call was taken.

Roll Call: Vice Pres. Robert Uryga, Council members: Jean Poulard, Alex Sprovtsoff and Rich Young. Police Chief Robert Sulkowski, Bldg. Commissioner Steve Thomas, Webmaster Daina Dumbrys, Ray Dumbrys BZA & Liaison LaPorte Cty. Drainage Board, Atty. Jeffrey Gunning and Clerk Treasurer Joan M Lewis were present. Pres. Pam Dubie, BZA President Matt Bowen, and Park Board President Dolly Millick and Fire Chief Garry Bendix were absent.

Approval Sept. 10th, 2019 Council meeting minutes. Councilmember Rich Young made a motion to accept the minutes as read; seconded by Councilmember Jean Poulard. Motion carried with 4 Ayes, 1 absent (Pam Dubie)

Mitchell D. Eschweiler, CPA - Baker Tilly (Umbaugh) - Mitchell D. Eschweiler, CPA with Baker Tilley presented the 2020 Budget before the final vote.

Questions: Councilmember Jean Poulard questioned the monies for the Park Department. Clerk Treasurer Joan M. Lewis read the line items in the Park Board budget. Councilmember Alex Sprovtsoff questioned the \$5000.00 for the Utility Clerk, if it was additional to present salary. Clerk Treasurer explained it was not additional. Just like the \$5000.00 each for the Building Commissioner and the Road Grant Administrator. He Also wanted to know why the tree trimming/road side cleanup appropriation only had \$15,000.00, when he asked for \$20,000.00? Clerk Treasurer Joan M. Lewis checked her notes, there wasn't a requested for \$20,000.00. Road Commissioner, Robert Sulkowski wanted to know if his request for boom mower was in the budget. Clerk-Treasurer Joan M. Lewis explained his request came in after the budget meeting with the Council and the proposed 2020 budget appropriations were already sent to the accountants. Clerk Treasurer, Joan M. Lewis suggested that he put his request in writing and the reason the equipment is needed to the council. If approved and depending on funds, an additional appropriation would be required. Mr. Eschweiler stated our tax rate was reduced by .18 cents.

Ordinance 2019-04 An Ordinance for Appropriations and Tax Rate for 2020 Budget:

Councilmember Rich Young made a motion to approved the 2020 Budget, seconded by Councilmember Jean Poulard. Motion carried with 3 Ayes, 1 Nay Alex Sprovtsoff and 1 absent (Pam Dubie).

Clerk Treasurer's report. September 2019 Add'l Claims in September: After Clerk Treasurer, Joan M Lewis read the September 2019 additional Claims, Councilmember Rich Young made a motion to approve the September 2019 Additional Claims, seconded by Councilmember Alex Sprovtsoff. Motion carried with 4 Ayes; 1 absent (Pam Dubie)

October 2019 Claims: After Clerk Treasurer, Joan M. Lewis read the October 2019 Claims, Councilmember Rich Young made a motion to approved the September claims; seconded by Councilmember Jean Poulard. Motion carried with 4 Ayes 1 absent (Pam Dubie).

September 30, 2019 Payroll Claims: After Clerk Treasurer, Joan M. Lewis read the payroll claims, councilmember Jean Poulard made a motion to approve the Payroll Claims,

seconded by Councilmember Alex Sprovtsoff. Motion carried with 4 ayes, 1 absent (Pam Dubie).

Job Description Tasks Committee. Oct 16th or 23rd at 1:30pm: Committee members, Daina Dumbrys, Ray Dumbrys and Joan Lewis decided on Oct. 23rd at 1:30pm. Joan Lewis to post meeting date & time. Committee member Matt Bowen was absent.

Reports:

Police: Chief Bob Sulkowski - Chief Sulkowski gave the report, which will be on file in the Clerk's office.

Fire: Chief Garry Bendix - Absent – Bob Sulkowski gave the report, which will be on file in the Clerk's office. Pancake Breakfast is scheduled for October 16, 7am to noon.

Building Commissioner: Steve Thomas – Commissioner Thomas reported two permits were issued: A deck on Michiana Drive. Councilmember Alex Sprovtsoff questioned 402 El Portal concerning a roof replacement. Councilmember Robert Uryga, the owner of 402 El Portal stated he was obtaining bids to repair the roof and will get a permit when he decides to repair the roof. Councilmember Sprovtsoff also questioned complaint at 400 block of Groveland. No official complaint. Clerk Treasurer suggested they put the full complaint in writing to the Town Council.

Park & Recreation: Dolly Millick Absent. Daina Dumbrys gave report. Pickle ball courts were discussed. Also, the repainting of the wooden road map at the town center.

Road Commissioner: Robert Sulkowski: Commissioner Sulkowski stated several trees down.
a. Community Crossing Grant – Commissioner Sulkowski stated it's at standstill.

Tree Removal Report – Rich Young – Rich Young stated there are several trees that are on private property. One tree is on Arbutus on private property. Several marked trees are on Town property. Clerk Treasurer mentioned a letter would need to be sent to the property owner.

Plan Commission: Rich Young; Mr. Young stated one permit for a new home on the corner of Powhatan and Oakdale was reviewed and several items need to be changed. Another permit was reviewed and approved for a house addition on Oakdale east of El Portal. The owner requested an addition, which would be on their additional lot (separate of the present home). Per our code, the lots need to be joined. The Plan commission reviewed a prior check list for permit requests for new homes and additions. All agreed to use the revised list.

The Plan Commission reviewed a lengthy Unsafe Building ordinance from another town, which Atty. Gunning suggested as a format for our Town's Unsafe Building ordinance. No action completed.

BZA: Pres. Matt Bowen or Ray Dumbrys: Mr. Dumbrys stated next meeting is November 21st, but nothing on the agenda.

White Ditch – Ray Dumbrys LaPorte Cty. Drainage Board Liaison: Mr. Dumbrys stated there was nothing on the agenda concerning Michiana Shores. Just a note: a tree that was down in White Ditch between Pokagon and El Portal was removed by the drainage board. (This section is still under the drainage board's responsibility.)

Website – Daina Dumbrys – Webmaster: Daina Dumbrys stated there has been some problems with our website. She has been working with the company, Business Yeti, to correct the problems. She feels the problems have been resolved.

Resolutions-Ordinances – Atty. J. Gunning-

Ordinance 2019-05 – Fixed Asset Policy – Capital Assets:

Atty. Gunning presented the ordinance to the council at the September meeting and it was passed on first reading. Second reading failed, essentially being tabled to the October meeting.

Atty. Gunning explained the reason & purpose of the ordinance is to bring the Town up to date. This includes all items purchased by the Town. After Councilmember Jean Poulard read the ordinance by title: An Ordinance of the Town of Michiana Shores No. 2019-05 – An Ordinance to Finally Fix an Asset Policy known as The Capital Asset Policy of the Town of Michiana Shores, Indiana, Councilmember Jean Poulard made a motion to approve Ordinance 2016-05 as read; seconded by Councilmember Rich Young. Motion carried with 4 ayes, 1 absent (Pam Dubie). Thus, it was enacted on this second & final reading. Before the vote, Vice President Robert Uryga asked for comments from the public. No Comments presented.

Atty. Gunning stated he is working on an ordinance concerning the E-verify regulations to be in codified form. Also, to be included is the Iranian dealings with purchases and acquisitions. There are three sets of different statutes in two different sections of the code. He is working on having all three sections in the ordinance with one penalty provision section.

Councilmember Rich Young stated there have been questions concerning the number of Political signs for our area. Mr. Dumbrys stated he checked the state citation and 60 days prior and 6 days after the election, thus shorter town ordinance provisions are null & void. Atty. Gunning agreed. Councilmember Rich Young asked if it is true that signs cannot be on public property. Atty Gunning stated that is correct. He also stated signs can only be removed from public property by the Building Commissioner or the Police Chief after request, notice or demand as provided in the sign code.

- Grants:**
- a. **DNR CZ729 White Ditch Bank Stabilization –**
 - b. **DNR CZ845 White Ditch Riparian Corridor Restoration –** Final Public meeting scheduled for this Friday, Oct 11th at 3:30pm. Notices were mailed to every resident.

Town Attorney Report: Atty. Gunning stated there are several BZA administration matters he'd like to discuss with Ray after the meeting. Plus Atty. Gunning will contact the BZA Chair.

Atty. Gunning in a prior meeting there was a discussion of a large sign that has been there for several years. Atty. Gunning explained some of the regulations concerning signs. Signs in the right of way can be removed by the Police Chief.

Atty. Gunning read a draft letter to be sent to violators of our sign ordinance, which was presented to the Building Commissioner.

Councilmember Rich Young stated if a contractor sign is allowed under our new sign ordinance, then our building permit needs to be change.

Councilmember Alex Sprovtsoff asked about the lawsuit with the owners of 402 El Portal. Atty. Gunning explained some of the issues which have impeded progress on the case. The defendant acquired a new attorney who was hospitalized and no response has been received since. Atty. Gunning stated he could request information from the defendant's attorney.

Communications: Clerk Treasurer Joan M. Lewis stated a communication was received from NIPSCO concerning the street lights being updated. We could either have 3000 or 5000 watts.

Public Comments: Resident Joseph Kellerman started a lengthy discussion concerning “short-term rentals”. Several residents have complaints concerning noise all thru the night, they build fires in firepits without concerns for persons with lung problems, one person rents the house and then they bring in more people to party loudly thru the night, etc. Atty Gunning explained we cannot prohibit short term rentals, but in IC 36-1-24-10 there is a list of menu items that can be regulated.

Council Comments: Councilmember Alex Sprovtsoff stated he requested a accounting of the Non-Reverting Building Fund. I reminded him I provided all the council members a spreadsheet with all the data available. He also questioned his request for records concerning the past water contract with the Village of Michiana. Councilmember Alex Sprovtsoff did not make a request for the data. Several times he has questioned the status of our search for records. I stated at a meeting with the representatives from the Village of Michiana MI that I still had found some more files, which I did not have time to go thru. These records were searched. Our next step is to search the financial records. Councilmember Alex Sprovtsoff asked Atty. Gunning about our refuse contract. Atty. Gunning stated that the contract ending date is March 31st. He stated two months is all that is needed to do an RFP and allow the contractors enough time to respond. Councilmember Rich Young mentioned that the last two years he has spoken with Mr. Metros at Republic Services and our contract was extended one year each time. Atty. Gunning stated the present contract could be extended for three years. Councilmember Alex Sprovtsoff made a motion for Councilmember Rich Young to contact Mr. Metros concerning a contract extension; seconded by Councilmember Jean Poulard. Motion carried with 4 Ayes, 1 absent (Pam Dubie).

Adjourn: Councilmember Jean Poulard made a motion to adjourn at 9:05pm; seconded by Councilmember Alex Sprovtsoff. Motion carried with 4 ayes, 1 absent (Pam Dubie).

Approved 11-12-2019