

TOWN OF MICHIANA SHORES

601 El Portal South

Michiana Shores, IN 46360-1175

PH: 219) 874-3193, FAX (219) 874-3770

July 14th, 2020 7:00 PM Council Meeting Minutes

Meeting held virtually by Zoom

The coronavirus COVID-19 pandemic and declared public health emergency remains in effect as does Executive Order 20-09 of Indiana Governor Eric Holcomb's which suspends certain provisions of the Indiana Open Door Law and permits local government public meetings to be held by videoconferencing or by telephonic conferencing. Accordingly, this July 14th, 2020 Council Meeting was held by Virtual means and in compliance with the Guidance issued by the Indiana Public Access Counselor.

7:10pm Meeting called to order by Pres. Daina Dumbrys with short statement “According to the order Governor Holcomb has extended COVID 19 pandemic is still in effect. Because of this local governments are allowed to have unlimited meetings without meeting in person. Our Town is availing itself of this particular provision of the Governor’s order. Because we are operating under this guidance, all the votes will be roll votes for anything we vote on today. I’m saying this to make it clear to everyone here today, that we are using the State guidance as a local government entity. We can limit the amount of meeting activities to essential issues and items that affect COVID 19. This is all provided thru the Public Access Counselor’s office as well, to make the meeting open for anyone to listen. And it depends on time how much comment can take place at the end of the meeting. Mike will mute everyone but the Town Council and Joan while the procedures are going on. We never limit access to anyone listening on to what is taking place. Depending on time, public comments will be heard at end of the meeting today.

Roll Call: Pres. Daina Dumbrys, Councilmembers Pam Dubie, Mike Lancioni and Rich Young, Park Board President Dolly Millick, and Clerk/Treasurer Joan Lewis were present.

V-P Michael Martinez, Fire Chief Garry Bendix, Police Chief Bob Sulkowski, BZA President Matt Bowen, Bldg. Commissioner Steve Thomas, LaPorte Cty Drainage Board Liaison Ray Dumbrys were absent.

Pledge of Allegiance was recited.

Adopting Meeting Agenda: Change Atty. Gunning report to: Litigation Report - Atty. Gunning; Change Short Term Rental Ordinance to: Short Term Rentals update. Mike Lancioni made a motion to accept agenda changes; seconded by Rich Young. Motion carried with 4 ayes; I absent (Michael Martinez)

Roll Call Vote: Rich Young Aye
Mike Lancioni Aye
Pam Dubie Aye
Daina Dumbrys Aye
Michael Martinez - Absent

Minutes: Zoom meeting minutes of June 9, 2020 Mike Lancioni made a motion to accept meeting minutes as corrected; seconded by Rich Young; Motion carried with 4 ayes.
Roll Call Vote: Rich Young Aye

Mike Lancioni Aye
Pam Dubie Aye
Daina Dumbrys Aye
Michael Martinez - Absent

Reports from Committees, Officers and Clerk/Treasurer

- a. **Al Walus report on White Ditch Creek bank restoration project:** Al Walus reported that in May, Delta III won the bid for the White Ditch Bank Restoration Grant Phase II Work started June 15th and was completed June 30th. As the excavation was being done on the south bank, several issues evolved with trees. As we did the design work for the project, we were trying to be conservative to save as many trees as possible. Al stated he had consulted with Mick Wulff and there were seven additional trees, 8 inches or less in diameter, on the edge of the bank that need to be taken out. Delta III was authorized to take them out. There was a culvert at the far west end of the project area which we didn't want to disturb, so the starting point was moved 15 feet further east, which resulted in a couple deletions to the project. As Delta III was doing the project, they were using the right of way at the west end of the project by Brookside Drive. Since the area was disturbed and we had budget left in the project, it made sense to put stone down in that area. When you look at the cost of removing trees, additional stone, seeding and blanket around the stone path, plus the deletions of less cubic yards of special virgin blanket it ended up with an additional \$5,630.60, or 4% to the overall contract. Rich Young made a motion to add \$5630.60 to the White Ditch Bank Restoration Phase II contract; seconded by Pam Dubie. Motion carried with 4 Ayes, 1 Absent (Michael Martinez).

Roll Call Vote: Rich Young Aye
Mike Lancioni Aye
Pam Dubie Aye
Daina Dumbrys Aye
Michael Martinez – Absent

Al had a second item for the Council to consider. Delta III was substantially complete with the work on June 29th. Al did an inspection and advised Delta III to add more erosion control blanket on the east & west end of the project and cut some exposed roots on the path. An inspection on June 30th found all the punch list items were complete. Rich Young said Delta III did a very good job on the bank restoration and path. Everyone agreed.

Delta III then submitted two invoices for their contract: one for \$113,324.97, and the second invoice for the 15% retainer in the amount of \$19,998.53 for a total of \$133,323.50. The total cost, with engineering, for the CZ729 White Ditch Bank Restoration Grant was \$158,073.50, which the DNR pays 50% or \$79,036.50; the LaPorte County Drainage Board agreed to pay \$36,000.00 from the White Ditch Drainage Fund; and the cost to the Town is \$43,036.75. The grant project came \$8,000.00 under budget.

Al stated "Christine Keil, Assistant Surveyor of the LaPorte County Drainage Board, was out yesterday to view the project and was very complimentary to Delta III's work.

Job Descriptions Committee: Joan Lewis reported that a meeting is needed to do the final review of the job descriptions and tasks. A date will be set in July. Daina not available the 21st or 28th during the day.

Clerk/Treasurer – June 2020 Add'l Vouchers. After Clerk Treasurer Joan Lewis read the vouchers Rich Young made a motion to approve; seconded by Mike Lancioni. Motion carried with 4 ayes, 1 absent (Michael Martinez).

Roll Call Vote: Rich Young Aye
Mike Lancioni Aye
Pam Dubie Aye
Daina Dumbrys Aye
Michael Martinez – Absent

June 30th, 2020 Payroll: A motion was made by Mike Lancioni to approve the payroll vouchers; seconded by Rich Young; motion carried with 4 Ayes, 1 absent (Michael Martinez).

Roll Call Vote: Rich Young Aye
Mike Lancioni Aye
Pam Dubie Aye
Daina Dumbrys Aye
Michael Martinez – Absent

July 2020 Vouchers: After Clerk Treasurer, Joan Lewis read the vouchers for July 2020, Mike Lancioni made a motion to approve the vouchers; seconded by Rich Young. Motion carried with 4 Ayes, 1 absent (Michael Martinez)

Roll Call Vote: Rich Young Aye
Mike Lancioni Aye
Pam Dubie Aye
Daina Dumbrys Aye
Michael Martinez - Absent

Resolution to transfer funds from LRS (Local Roads & Streets) to General Fund for the Electric, Water & gas expenses. Rich Young made a motion to approve Resolution # 2020-06 to transfer funds from LRS to General fund; seconded by Mike Lancioni. Motion carried with 4 Ayes.

Roll Call Vote: Rich Young Aye
Mike Lancioni Aye
Pam Dubie Aye
Daina Dumbrys Aye

Michael Martinez - Absent

Attorney search update– Council member Mike Lancioni stated he and Michael Martinez reviewed the three finalist firms. No decision. Pres. Dumbrys state they may need an executive session.

Code Enforcement Officer – Rich Young had someone he contacted but she didn't return his call. No one in place right now. May be included with the Executive Session

Departmental Reports – Request for written reports

Police Chief – Bob Sulkowski absent. Pres. Dumbrys read the report.

Fire Chief – Garry Bendix absent. Pres. Dumbrys read the report.

Building Commissioner – Steve Thomas absent. No report submitted.

Dolly Millick – Park Board Pres. Dolly Millick stated that Rich Young found someone to fix the broken excavator toy. A gentleman from Peters & Marske repaired the toy but would not take anything for the repair. Rich suggested we give him gift card. Rich ordered a handicapped excavator toy which costs approximately \$600.00 to \$630.00. Rich also replaced the boards in the benches at Kincaid Park and replaced the horseshoe set in Leeds Park.

Dolly mentioned she met a woman with her grand daughter at the park and she said it was the nicest park in the area. Nice to Know!!

Park Booster Club – Rich Young stated he thought a Park Booster letter was going to be sent out. Still in the planning stage.

Roads – Bob Sulkowski – absent – He gave no report on road paving. Joan Lewis mentioned that Bob has not submitted the CCG Grant Road report which was completed in 2019. She has repeatedly requested the report. After several months, he stated his computer crashed. Note: He should have kept copies of the documents created for the grant, including bid requests & requests for payment. Pres. Dumbrys stated we may have to send something in writing.

Advisory Plan Commission – Howard Jablon gave report to Pres. Daina Dumbrys who read the report. The Plan Commission approved a permit for a home addition for the Jensens at Groveland & Oakdale. Daina Dumbrys reported the Plan Commission is looking at things going forward with regards to how the Plan Commission looks at various things taking place in Town in regards to homes, buildings, and several other issues we started out with, such as resolutions for abandoned or unsafe houses.

BZA – Matt Bowen – Absent – Matt Bowen reported the BZA is ready to hear any STR petitions. Jeanne is doing a fantastic job putting everything in order. Both Jeanne and Joan have put a tremendous amount of extra time and effort. Hopefully we can compensate them for the work they are doing.

White Ditch/ LaPorte Cty. Drainage Board – Daina Dumbrys stated nothing extra needed to be added. Al Walus gave the complete report for the DNR Grant for White Ditch Restoration. Rich Young asked about the Town taking over maintenance of White Ditch bank restoration section. Rich mentioned it might be discussed at the proposed executive session as this could be a costly amount for the Town.

Website – Daina Dumbrys stated new data is posted as she receives it. The front page is being redesigned. It's partly done. Daina stated she posted on the Next Door site that our notices and Town data will only be posted to our website.

NIRPC – Daina Dumbrys states nothing new.

LaPorte County Covid-19 meetings – Daina Dumbrys stated every Thursday she listens in to the LaPorte County COVID 19 meeting.

Ordinances and Resolutions: No new Ordinances or Resolution.

Grants:

Hiatus for the Community Crossing Grant. Community Crossing Grants have been halted for this year. Payment to Grant Administrator for the 2nd, 3rd, and the 4th quarters were discussed. Mike Lancioni made a motion to hold off payments for the Grant Administrator until we get more information on work done in the 2nd quarter with regards to the Community Crossing Grant; as well we are going to cancel any payments for the 3rd & 4th quarter payments to the Community Crossing Grant Administrator as there is no longer a grant; seconded by Rich Young. Motion carried with 4 ayes; 1 absent (Michael Martinez).

Roll Call Vote: Rich Young Aye
Mike Lancioni Aye
Pam Dubie Aye
Daina Dumbrys Aye
Michael Martinez – Absent

Unfinished Business

Leaf pick up for Town – Pres. Dumbrys stated she has reviewed RFPs from other Towns. Discussion to be continued until August.

Short Term Rentals – Nothing New.

Wood/debris removal - Rich Young said this has kind of fallen into his lap. Happy to do the job. He said he toured the Town and it doesn't look too bad. He stated that the hugh tree that came down on Hiawatha would probably cost about \$1000.00 to remove it. Rich to complete a list of roadside issues and bring it back to the Council.

Bad Road Signs – Several areas of Town have new road signs. Rich Young mentioned the Town needs a sign on the curve on Hiawatha. Children are using the new motorized bikes on the curve ob Hiawatha. He's afraid one of these children may be hurt. Sign saying "SLOW – Children at play".

Road patching – Pres. Daina Dumbrys mentioned she spoke with the road commissioner and he said since his paycheck was delayed, he wasn't going to do any road work. (Paycheck held due to timesheet not completely filled out & no signature of his supervisor.

Stop 37 Beach stairs - discussions with Michiana – Rich Young stated he spoke to Rusty from the Village of Michiana Michigan and the stairs were not very sturdy or safe. Plus the problem of drilling holes for the posts to attach the stairs would be a problem as revetment (Boulders) from the storms in the 80's is under the sand to protect the road.. Then a letter came out and stated they wanted our Town to design the stairway, have it approved by an licensed, bonded and insured contractor then approved by the Village of Michiana MI, plus have a legal review by the Village of Michiana MI; have the Town of Michiana Shores take responsibly for the costs, and be responsible for all liability issues. Council declined any such agreement (The residents with rights to the Beach are from the entire Michiana Area, not just the Town Residents.) Beach goers can use Stop 41 ½ & 42).

Moving Town Sign or Boy Scout Road Map A discussion ensued about moving the Road map sign. Rich Young & Mike Lancioni to take a look at the location and come up with ideas.

New Business:

Reimbursing Jeanne Paxton for the work she is doing for the BZA outside the scope of being a BZA member/secretary. Moved to an executive session.

Fencing, signage, benches, dog bag dispenser for new path. Council agreed this is an issue for the Park Board.

Weight Limits on El Portal: Will need to post weight limit on El Portal bridge. Dump trucks loaded with boulders for revetment at the beach in the Village of Michiana MI have been using ElPortal & Michiana Drive to access the beaches in Michigan . All these trucks are going to Michigan.

Litigation Report: Atty.Gunning Town Ordinance Violation case against Robert S. Uryga Another Request for Documents and extension was requested.

Communications

- a. Calls from residents about building/construction without permits, STRs, and overgrown vegetation, overflowing trash receptacles.
- b. Call from Village of Michiana, MI President re trespassing on marked areas.
- c. Letter from Teresa Massa = Sent to Councilmembers.
- d. Letter from Chris Black – sent to Councilmembers
- e. Letter from Village of Michiana, MI re Stop 37 step project. The Village of Michiana MI wanted the Town of Michiana Shores to accept all costs, design by an engineer to be approved by the Village of Michiana, and the Town to cover all the liability. Declined by Town Council.

- f. Letter from Marianne Durkin re dead trees and terrible potholes on Michiana Dr. Copies of Ms. Durkin e-mails were sent to the Village of Michiana MI as it's their responsibility

Public Comment: Council Comment: Clerk Treasurer Joan Lewis noted that Chris Black has requested copies of Public records.

Roxanne Martino commented that she thought the BZA was taking too long to schedule the STR petitions. Also, she'd like to have the White Ditch Trail change to a different name. Didn't like what ditch denotes. **NOTE** the trail name is "Nature Trail".

Adjournment: Pres. Dumbrys adjourned the meeting at 9:03pm.

Submitted by,

Joan M Lewis
Clerk Treasurer

Daina Dumbrys – Council President

DRAFT