

**TOWN OF DUNE ACRES
COUNCIL MINUTES
October 16, 2018**

The Town of Dune Acres Town Council met for its regular monthly meeting on Tuesday, October 16, 2018, at the Town Hall. Council President Richard Hawksworth called the meeting to order at 7:00 p.m., with Council Members Peter Bomberger and Alexander Stemer, Clerk-Treasurer Jeannette Bapst, and Attorney Adam Mindel representing Dan Whitten in attendance.

APPROVAL OF MINUTES:

It was moved and seconded that the minutes for the September 18, 2018, Town Council Meeting and October 5, 2018 Special Meeting be approved as presented. Motion passed unanimously.

FINANCIAL REPORT:

BANK BALANCES 09/30/2018

Porter State Bank	\$ 247,214.00
Trust Indiana	\$ 393,565.39
Record Balance	\$640,779.38

*Those funds marked with an asterisk are designated monies and can only be spent for the designated purpose.

**BREAK DOWN OF FINANCES AMONG FUNDS
As of September 30, 2018**

FUNDS	CASH BALANCE 09-30-18	APP BAL.	% Left
GENERAL	173,062.11	\$129,538	34
MOTOR VEHICLE HIGHWAY	64,313.08	\$60,000	100
LOCAL ROAD & STREET	15,504.63	6,000	100
PARK & RECREATION	51,566.78	\$1,189	14
RAINY DAY FUND	131,930.78	\$50,000	100
CCI	-72.20	0	0
CCD	15,189.87	\$8,118	27
CEDIT	19,097.92	\$10,800	54
RIVERBOAT REVENUE SHARING	2,254.14	\$2,000	100
Donations*	26,293.97		
Clubhouse Dune Grant*	00		
Construction Security Dep*	25,000.00		
SalesTaxClubHouseRental*	210.29		
ClubHouseRentalDeposit*	.00		
Local Road & Bridge Grant Fund*	114,514.75		
Levy Excess Fund*	.00		
TOTAL FUNDS	\$ 638,866.12		

Clerk-Treasurer Bapst presented the September month-end financial report. It was moved and seconded to approve the financial report. Motion passed unanimously.

PAYMENT OF CLAIMS:

It was moved and seconded that claims for the month of October 2018, #6236 - #6265, in the amount of \$52,009.79 be approved. Motion passed unanimously.

CORRESPONDENCE RECEIVED:

none:

COMMISSIONERS REPORTS:

BEACH: A number of beach-related topics were noted which had been recently addressed by Beach Commissioner Carstens and the Council, including off-season boat storage, excess garbage receptacles, the swim platform, beach access, buoys, and East Beach deck repairs.

BUILDING: It was moved and seconded to approve the application for a 6-month extension of Building Permit #2017-04, 21 Crest Drive new home construction, as recommended by Building Commissioner Tom Roberts. Motion passed unanimously. Roberts also reported on discussions with the 21 Crest Drive homeowners, the town, and neighbors about landscaping and road repairs at the site.

Commissioner Roberts updated the Council on current construction projects. He then stated many residents do not understand town ordinances and the review/approval process necessary prior to undertaking home alterations or repairs. As a volunteer commissioner charged with overseeing ordinance compliance, he often receives phone calls from residents who are displeased with local controls - controls which ensure property boundary/setback regulations are met and protect the architectural integrity of the community.

Roberts reviewed issues discussed at a recent meeting between officials from the Porter County Health Department and the town. He hoped that going forward, realtors would advise buyers about county and state septic system regulations and how home improvements and new construction are impacted by statutory requirements relative to lot size and septic system specifications.

ENVIRONMENT: Environmental Commissioner Robin Tennant said plans were being finalized for the November 3rd Town Clean-up. She thanked resident Aaron Powers for securing discount pricing on plants. Work will focus on removing invasive plants and brush around East Beach and on the road leading to the beach.

President Hawksworth reviewed the status of Dune Acres' current Lake Michigan Coastal Program Grant including the request for proposal process just completed. A motion was made and seconded to award the Clubhouse Dune Restoration of Units #1, 2, 3, 5, 6 contract to Applied Ecological Services in an amount not to exceed \$49,384, pending final Department of Natural Resources authorization. Motion passed unanimously.

SECURITY: Security Commissioner Bill Griffin raised concerns he had about the emergency access drive. He said while conducting this summer's access drive upgrades, town contractors had exposed a portion of the Quinn's (86 East Road) septic field that appeared to extend into the easement. Following review by town officials, Great Lakes Engineering, and the Porter Fire Department, the drive width was reduced to avoid septic field interference. It was Griffin's belief that this change negatively affected the drive's usefulness. He said a survey should be conducted, and the Quinn's should be compelled to relocate their septic field if any part is within easement boundaries. Attorney Mindel said he would review the easement agreement relative to unrestricted concurrent use and other provisions. A survey would then be considered. It was also noted that Porter's Dudley Drive and Bote Drive that lead to the Dune Acres emergency access present additional obstacles to large vehicles and regular public use.

Griffin then noted increased safety concerns on Mineral Spring Road following the Indiana State Supreme Court action that eliminated the '10-minute rule' on railroad crossing gate down time.

OLD BUSINESS:

Emergency Access Road: Extensive discussion was held regarding the emergency access drive. Details of the *Single Limited Use Easement Agreement* with easement grantors John and Dona Quinn, 86 East Road, pertaining to the October 2-5 Mineral Springs Road closure were shared. Following the town announcement issued to residents about the upcoming construction and need to use the emergency access drive during road closure, the Quinn's attorney contacted Town officials claiming \$1,000 per day for public use of the drive, stating a planned closure was not an emergency as defined in 2003 easement agreement, so the

Quinn's were entitled to compensation. Further, a court injunction to close down the emergency drive would be pursued, and consequently the Town's Mineral Springs Road improvement project, should payment not be made. In consideration of substantial loss of grant funding if the project was not completed this season, the Town Council entered into the *Single Limited Use* agreement, which ultimately provided the Quinn's \$3,000 for the 4-day community access.

Council member Stemer said he was offended that any resident would take advantage of their neighbors in such a manner. He said the Council had made recent emergency access drive improvements in partnership with the Quinn's, that the road closure was scheduled off-season and mid-week during a time no one was typically at the 86 East Road household, and the Council has worked tirelessly to find compromise on most every issue. The emergency access drive had been opened only 3-4 times in the past ten years, so the good faith of town officials was clearly established. The Council agreed by consensus to research legal options available that would address recourse and pro-active measures available to avoid future impediments. A determination on the 86 East Road septic system location was also desired.

NEW BUSINESS:

Trick or Treat: Dune Acres Trick or Treat was set for October 31, 2018, 5:30 to 7:30 PM

Resolution 2018-04, Holiday Pay: It was moved and seconded to approve Resolution 2018-04, Holiday Pay Motion passed unanimously. The Resolution provides customary holiday pay to security and maintenance employees.

OTHER MATTERS:

Mineral Springs Road: Various aspects of the Mineral Springs Road improvement project were discussed including culvert placement and size, wetland water conditions, pavement shoulder treatment, and asphalt thickness. Council member Stemer directed the Clerk-Treasurer confirm asphalt was installed as specified.

With no other matters duly brought before the Town Council, the meeting was adjourned at 8:15 PM.

The next regular meeting of the Town Council is November 20, 2018.

RICH HAWKSWORTH, Town Council President

PETER BOMBERGER, Town Council Member

ALEXANDER STEMER, Town Council Member

JEANNETTE E. BAPST, Clerk-Treasurer

CLAIMS FOR October, 2018

<u>CLAIMANT</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Payroll, Gross	October payroll, gross	\$ 13,586.80
Payroll, Net	October payroll, net	\$ 10,865.23
Indiana Dept of Revenue	October payroll, state w/h	\$ 641.52
EFTPS	October payroll, fed w/h, fica/med	\$ 3,119.44
Sprint	Security Mobile	\$ 88.50
Comcast	Phone and Internet	\$ 145.90
NIPSCO	Rt 12 and Mineral Springs Road	\$ 15.33
Frontier	Phone and Internet	\$ 177.92
A & D Services	Clubhse pool table moving, donation	\$ 400.00
NIPSCO	Gas and Electric	\$ 350.49
Capital One, VISA	Uniforms, pump part, pkg lot gravel	\$ 907.93
Great Lakes Engineering	Mineral Springs Road	\$ 5,000.00
Hopkins Ace Hardware	Supplies	\$ 78.95
Justins Tree Service	Roadside Maintenance	\$ 6,000.00
Menards, Portage	Maintenance Supplies	\$ 279.90
Pinkerton Oil	Vehicle Fuel	\$ 287.20
Pioneer Lumber	Security Office Siding	\$ 381.02
Pride Portable Toilet	Beach Toilet	\$ 120.00
Professional Pest Mgmt.	Quarterly Service	\$ 50.00
Quill Office Products	Office Supplies	\$ 208.98
Reeders Auto Service	Oil Change and Brake Repair	\$ 396.55
Republic Services	Waste Service	\$ 96.80
Atty. Dan Whitten	3rd Q Retainer and Hourly	\$ 4,150.00
Jeaneen Dougherty	Car Wash	\$ 7.00
T & M Tire Service	Security Tires	\$ 507.00
Comcast	Phone and Internet	\$ 185.33
Ellis Electric	Clubhouse system parts	\$ 288.00
John J. Quinn	Emergency Access Single Use	\$ 3,000.00
Meridian Title Company	Title Work, Lesch Land Donation	\$ 424.00
Summers of Chesterton	Clubhouse Drain Repair	\$ 250.00

TOTAL, OCTOBER 2018

\$ 52,009.79