

**TOWN OF DUNE ACRES  
COUNCIL MINUTES  
September 21, 2021**

The Town of Dune Acres Town Council met for its regular monthly meeting on Tuesday, September 21, 2021, at the Dune Acres Clubhouse. President Richard Hawksworth called the meeting to order at 7:00 p.m., with Council Member Alexander Stemer, Paul Woidke, Clerk-Treasurer Jeannette Bapst, and attorney Adam Mindel representing Dan Whitten in attendance.

President Hawksworth requested a moment of silence in remembrance of Council Member Peter Bomberger who passed away on September 1, 2021 following a brief illness. His dedication to the Town and to community service were recognized among his many admirable attributes. The Town Council extended its sincere condolences to the Bomberger family.

**COUNCIL MEMBER SELECTION, OATH OF OFFICE**

It was moved and seconded to appoint Paul Woidke to the Town Council to complete the term of Peter Bomberger. Motion passed unanimously. Attorney Mindel administered Woidke's Oath of Office. Woidke said he looked forward to serving the Town in his new role.

**APPROVAL OF MINUTES:**

It was moved and seconded that minutes for the August 17, 2021, Budget Hearing be approved as presented. Motion passed unanimously.

It was then moved and seconded that minutes for the August 17, 2021, Town Council Meeting be approved as presented. Motion passed unanimously.

**FINANCIAL REPORT:**

**BANK BALANCES 08/31/2021**

Porter State Bank	\$330,476.66
Trust Indiana	\$158,141.74
Record Balance	\$488,618.40

\*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 August 31, 2021**

FUNDS	CASH BALANCE 08-31-21
GENERAL	172,395.44
ARP COVID Relief Fund	20,545.30
MOTOR VEHICLE HIGHWAY	22,575.11
LOCAL ROAD & STREET	25,586.12
MOTOR VEHICLE HWY RESTRICT	2,831.29
PARK & RECREATION	44,322.19
RAINY DAY FUND	110,000.00
CCI	1,146.60
CCD	14,202.23
CEDIT	21,230.81
RIVERBOAT REVENUE SHARING	1,130.39
Donations*	30,917.40
Clubhouse Dune Grant*	.00
Construction Security Dep*	15,000.00
Sales Tax Club House Rental*	571.68
Club House Rental Deposit*	4,900.00
<b>TOTAL FUNDS</b>	<b>\$ 487,354.56</b>

APP BAL.	% Left
\$168,418	38
\$16,441	27
\$5,210	86
0	0
50,000	100
\$185	1
\$10,088	50
\$1,500	100

Clerk-Treasurer Bapst presented the August 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 September, 2021, #7321 - #7349, in the amount of \$47,380.36 be approved. Motion passed unanimously.

## CORRESPONDENCE RECEIVED:

none

## COMMISSIONERS REPORTS:

**ENVIRONMENT:** Environmental Commissioner Robin Tennant updated the Council on plans for the Fall Town Cleanup scheduled for October 16, 2021.

**BUILDING COMMISSIONER:** Building Commissioner Tom Roberts provided information on projects currently underway. He said the Plan Commission would soon be considering a new home Location Improvement Permit for 2 Redwood Drive.

**SECURITY:** As had been recommended by Security Commissioner Bill Griffin, it was moved and seconded to hire Russell Steen as Security Employee. Motion passed unanimously

**PARKS:** Discussion was held regarding the playground merry-go-round rebuild recently completed by resident David Rearick. It was moved and seconded to request a grant from the Dune Acres Civic Improvement Foundation (DACIF) in the amount \$500 to help fund the project. Motion passed unanimously. Rearick's ongoing contributions to town enhancements were recognized by the Council.

**ROADS:** Discussion was held regarding road repairs needed on West Road, just east of the Summit Drive intersection, and on the Crest Drive spur as a result of severe washouts. Costs for repairs totaled \$51,805. Repair engineering was completed by Great Lakes Engineering, with construction to be completed next week by Milestone Contractors North, Inc. (formerly Walsh/Kelly.)

It was then moved and seconded to accept the resignation of Roads Commissioner Bruce Riffle, appointing resident David Kudrna to the position. Motion passed unanimously.

## OLD BUSINESS

Ordinance 2021-04, 2022 Appropriations and Tax Rates, Second Reading and Adoption. It was moved and seconded to approve second reading and adoption of Ordinance 2021-04, 2022 Appropriations and Tax Rates. Motion passed unanimously. The ordinance sets appropriations, tax levy and tax rates for 2022.

Mineral Springs Road Walkway: Two quotes from Duneland Landscape were presented for a pathway on the west side of Mineral Springs Road, at the blind hill between the gatehouse and West Road intersection, that would improve pedestrian safety. Both options started at the intersection of Mineral Springs and West Road, continuing to a point south of the hill. Option #1 totaling \$53,606 included a 5-foot-wide wood walkway, pavers at two approaches and a large tree removal on the south end. Option #2 totaling \$45,385 included a 4-foot-wide walkway and mulch approaches. All Council members favored the lower-impact, 4-foot option. It was agreed by consensus to submit a letter to DACIF about the project that would gauge interest in funding, along with the Council's intent to take input on the final scope.

Vaccine Clinic Recap. Town Wellness Coordinator Sharon Tutlewski was recognized for conducting another successful vaccine clinic at the clubhouse on September 11, 2021.

Boat Restricted Beaches. Attorney Mindel reported on his most recent research regarding the proposed boat traffic restrictions on the west end of Dune Acres. Mindel was told by the Natural Resources Commission's (NRC) legal representative that establishing a 'no boat zone' in the area suggested had virtually no chance of succeeding since it is not a well-populated public swimming beach as are all such designations along the Indiana Lake Michigan

shoreline. Mindel noted that Dune Acres' parking permit rules which limit lake access to residents only further establishes the town's swimming beaches as low-density.

Mindel also spoke with State Senator Karen Tallian, who had crafted legislation passed by the Indiana General Assembly regarding the Public Trust Doctrine as it relates to Lake Michigan beaches. Tallian confirmed that beach below the Ordinary High Water Mark is within the public trust and is open for public use. The legislation codifies the State Supreme Court's ruling in *Gunderson v. State of Indiana*.

The Council then discussed ways to move forward in assisting residents whose lives are negatively impacted by loud music and disruptive activities. Steps include: Establish a protocol whereby residents alert town security staff of problems so the Department of Natural Resources and the Coast Guard can be called; Develop beach signage to address unwanted activities; Increase buoy numbers in problematic areas. Mindel noted that buoys may not "materially impede navigation." It was suggested that impacted property owners help defray the cost of additional buoys.

#### NEW BUSINESS

Snow Plow Contract 2021-22. It was moved and seconded to approve the Snow Plow Agreement with David's Lawncare for the 2021-22 season. Motion passed unanimously.

Clubhouse Rental; 10-23-21, 5-21-2022. It was moved and seconded to approve clubhouse rentals for October 23, 2021 and May 21, 2022. Motion passed unanimously.

Town Fall Party, 10-30-2021. Following discussion regarding the status of COVID-19 infections and variants, it was moved and seconded to approve a town party at the clubhouse on October 30, 2021. Motion passed unanimously. Dr. Stemer said he will continue to monitor the situation, adding the majority of town residents have been vaccinated, many will have had booster shots by October 30<sup>th</sup>, and everyone will need to make their own decision about attendance.

Trick or Treat, 10-31-2021. It was agreed by consensus to hold the Town Trick or Treat on October 31, 2021. The start time will be determined after consulting with parents.

#### OTHER BUSINESS:

Clearing on Mineral Springs Road: It was noted that roadside clearing recently completed by the National Park Service on Mineral Springs Road, just north of the South Shore Tracks was in preparation of a controlled burn planned for 25 acres this fall.

With no further business, the meeting adjourned at 8:25 PM.

The next regular meeting of the Town Council is 7:00 PM, October 19, 2021.

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RICHARD HAWKSWORTH, Town Council President

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PAUL WOIDKE, Town Council Member

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ALEXANDER STEMER, Town Council Member

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JEANNETTE E. BAPST, Clerk-Treasurer

CLAIMS FOR SEPTEMBER 2021

<u>CLAIMANT</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Payroll, Gross	September payroll, gross	\$ 14,698.54
Payroll, Net	September payroll, net	\$ 11,930.33
Indiana Dept of Revenue	September payroll, state w/h	\$ 697.34
	September payroll, fed w/h,	
EFTPS	fica/medicare	\$ 3,195.32
NIPSCO	Mineral Springs and 12	\$ 16.68
Comcast	Phone and Internet	\$ 303.73
Frontier	Phone and Internet	\$ 97.25
Duneland Landscape	Beach Drive barricade, park tree	\$ 2,436.68
Reeves Fence	Emergency Gate Repair	\$ 1,200.00
NIPSCO	Gas and Electric	\$ 861.16
Republic Services	Waste Service	\$ 120.75
Frontier	Phone and Internet	\$ 102.34
Capital One VISA	Paint, Basketball Stops, Sign	\$ 4,265.13
Datagraphics	Forms	\$ 18.00
Hopkins Ace Hardware	Supplies	\$ 285.21
Kittredge & Zehner	Bank Statement Audits	\$ 306.00
Menards, Portage	Supplies	\$ 1,035.54
Star Uniforms	Security Uniforms	\$ 404.83
John Fejes	Mileage Reimbursement	\$ 29.68
Jeaneen Dougherty	Mileage Reimbursement	\$ 100.24
Per Mar Security	Clubhouse	\$ 323.75
Pinkerton Oil	Vehicle Fuel	\$ 231.61
Pride Toilet	Beach Toilet	\$ 120.00
Atty Dan Whitten	Legal Retainer, 3rd Q	\$ 2,750.00
Michael Nixon	Clubhouse Deposit Refund	\$ 1,300.00
Sharon Tutlewski	Vaccine Clinic Expense	\$ 108.66
Indiana American Water	Water	\$ 87.86
Professional Pest Mgmt	Service	\$ 50.00
Comcast	Phone and Internet	\$ 303.73

Total SEPTEMBER, 2021

\$ 47,380.36