

Minutes of the Trail Creek Town Council Meeting for
July 21st, 2009

The regular meeting of the Trail Creek Town Council was held on Tuesday, August 21st, 2009 at the Town Hall, 211 Rainbow Trail, Trail Creek, Indiana. Council members present were Councilman Warren Schacht, Councilman Ron Lombard, Councilman Jeff Studtman, and Council President John Bayler. Councilman Jamie Baldwin and Clerk/Treasurer Anne Dobbs were absent from the meeting, present was Chief Deputy Cindy Kautz. The minutes of the July 21st, 2009 were reviewed. Councilman Ron Lombard moved for acceptance and Councilman Warren Schacht seconded. The vote was unanimous.

Chief Deputy Kautz stated that she spoke to Clerk/Treasurer Anne Dobbs and Ms. Kautz gave a report regarding the CD's that the Town still has and amounts. Councilman Ron Lombard made a motion that the Clerk Treasurers Report be removed from the agenda, Councilman Jeff Studtman seconded, the vote was unanimous.

CLAIMS – Claims against the Town in the amount of ONE HUNDRED EIGHT THOUSAND SIX HUNDRED SIXTY SEVEN DOLLARS AND 24/100 (\$108,667.24) were presented. Councilman Warren Schacht moved for payment and Councilman Jeff Studtman seconded. The vote was unanimous.

CORRESPONDENCE: None

REPORTS:

ATTORNEY: Attorney William F. Herrbach stated that he had prepared the permanent easement for the Town regarding the storm sewer maintenance at Evergreen Baptist Church and at Kevin McGrath residence. Attorney Herrbach requested that Engineer Doyle have the proper people sign these documents. Attorney Herrbach also stated that he has started legal action at 210 Meadowlark regarding zoning violations. He also prepared a completed copy of the Employee Handbook and an ordinance needs to be adopted to put this handbook in effect. Councilman Ron Lombard made a motion to pass the revised ordinance for the Town of Trail Creek Employee Handbook, Councilman Warren Schacht seconded. The vote was unanimous. It was decided that the handbook will go into effect January 1st 2010.

Attorney Herrbach also prepared an ordinance regarding smoke detectors in rental properties. It was previously discussed and put into draft form. It was noted that owners of rental properties will need to be registered with the Town which will allow the Town to go in, if need be, and inspect the property for smoke detectors.

BUILDING INSPECTOR: Not in attendance.

ENGINEER: Engineer John Doyle reported that D & M Excavating completed their project at the Evergreen ditch. , they also did some mowing on these ditches. They had presented a bill for payment of SIXTEEN THOUSAND EIGHT HUNDRED NINETY SEVEN DOLLARS AND 14/100 (\$16,897.14) which brings the total amount of this project to ONE HUNDRED SIXTY EIGHT THOUSAND NINE HUNDRED SEVENTY THREE DOLLARS and 37/100 (\$168973.37). This job ran from Pinetree all the way east to the woods and Hwy. 20. He recommended payment and acceptance of the project.

Delta III came into the Town and replaced approximately 45 to 50 feet of pipe and installed an inlet west of Black Oak. A pipe had collapsed at a driveway.

Engineer Doyle also accepted bids for the Roeske Avenue /Welnetz Road storm drains and improvement projects and three bids were received from contractors. Mr. Doyle presented to the Council the bids from Rieth Riley (\$310,398.00), Woodruff (\$319,059.50) and Walsh and Kelly (\$385,600.00). He recommended at this time that the bids be held for 60 days to wait and see if the Town's financial situation changes. Councilman Ron Lombard made a motion that this be tabled until the finances can be researched, Councilman Jeff Studtman seconded. The vote was unanimous.

Engineer Doyle stated that he continues to work on the Coolspring Avenue Stimulus project. It should be submitted for review with the next week or so.

MS4: Kate Doyle advised the Council that MS4 did their inspection of the Street Department building, some minor suggestions were made and have already been taken care of by the Street Department. A meeting will be scheduled soon and we will find out how the Town did.

PARK DEPARTMENT: Park Board met at their regular meeting, they had received a written resignation from Chris Willoughby as he intends to move from the Town of Trail Creek. Park Board President Robyn Kohn then submitted two (2) names for presentation to the board for the two (2) vacancies that are currently on the Park Board.

PLANNING AND ZONING: No new business.

POLICE DEPT: Marshal Paul Schoof stated that he completed the grant for Operation Pull Over and it will be sent down State. They should hear something by October 1st, 2009.

STREET DEPARTMENT: MS4 walk through suggested that markers be put on the storm drains with adhesive. They have been doing a general clean up of the Town and have noticed an increase in limbs and branches from residents which is not from storm damage. The Street Department is trying to hold off taking a truck to Westville to dump unless it is full as this costs the Town money. There may be some complaints from residents but hopefully most of them will understand. Cindy stated that when residents call the Town she advises them to cut them in small sizes and put them in the trash can for yard waste. The Street Department has been considering the idea of charging residents for this service if the limbs and branches are caused from tree trimming, not storm damage, as it appears that residents are telling tree trimmers, who they have paid to trim their trees, that the Street Department will remove them. The street sign project is about one-half done. The leaf truck is leaking oil and the cost to repair it is going to be \$2100 in labor and \$482 in parts, leaf pickup will be starting soon and it has been determined that this costs the Town approximately \$20,000 per year. This will start on the 19th of October. The Street Department would like to hear suggestions from the Council regarding the leaf truck, the Council stated that the truck will have to be repaired. They have noticed an increase in litter at the basketball courts at the parks. Signs have been posted and the police have been patrolling the area.

NIRPC: Councilman Ron Lombard stated that stimulus money was transferred to Coolspring ^{AJB} ~~Township~~. It had been \$263,000 and now it will be \$373,000 for the Coolspring project.

OLD BUSINESS: The issue of the employee handbook was addressed earlier by Attorney Herrbach.

NEW BUSINESS:

- 1, Cindy Crump from the Partnership Program with the United States Census Bureau spoke to the Council regarding how the program hopes to work with cities and towns to help them get a complete count of the residents. It is suggested that the cities and/or towns organize a committee, or appoint one (1) individual as a liaison to allow the Census Bureau to remain in contact with, the help the town with some strategies, education and, resource materials to help spread awareness. The funding to the Town comes directly from the census figures. A census is done every 10 years and it has been determined that for every resident that is missed in the census \$400 in funding is lost. That figure lasts for ten years so it can accumulate quickly and be a big loss. Her request is that the town consider partnering with her either through a committee or a liaison to get this census count done. They would just like to accomplish a sense of awareness. She presented a proclamation that they would like the Council to sign making residents aware of the census. Resident Robin Kohn volunteered to be the liaison and the Council approved her to be the liaison. Council President John Bayler needs to sign the proclamation.
2. Park Board appointments of Jerry Heath and Marty Stockman were made, Councilman Ron Lombard nominated Jerry Heath and Councilman Jeff Studtman seconded. The vote was unanimous. Councilman Warren Schacht nominated Marty Stockman and Councilman Ron Lombard seconded. The vote was unanimous. Council President John Bayler will inform them both of their appointments.
3. The scheduling of workshops regarding parking and fireworks. The workshops were scheduled for the 27th of August at 6:00 p.m. at the Town Hall. The renewal of the present contract for baseball will be discussed. It is hoped that the entire board will be able to attend. Lake Shore baseball needs to be in attendance. A back-up date will be September 1st at 6:00 p.m.

PUBLIC COMMENT: Brenda Hubertz, 312 Edgemoor Drive, Trail Creek, stated that she has a street light at the edge of her property that is on 24 hrs. a day. She was also inquiring about the dogs across the street from her., the Building Inspector needs to speak to Attorney Herrbach in regards to this.

Keith Blozis, 1907 Welnetz Road, Trail Creek had a question regarding Roeske Avenue. He asked Attorney Herrbach that if this water freezes on the road and someone is hurt, who is responsible? This situation is hoped to be remedied before the winter. It is stated that there is no money to correct this situation and as soon as there is money, it will be corrected. Asked that a sign be put on Roeske Avenue advising large trucks that they cannot get through on that street.

A residents asked what happened to the funding for Roeske Avenue that was applied for earlier. Councilman Ron Lombard stated that that request was denied because Roeske Avenue did not qualify for the stimulus money.

Howard Fuller, 311 Johnson Road, Trail Creek, Indiana. He had previously requested a finding from the Zoning meeting and never heard anything. He still wants to know what happened regarding the fence at 313 Johnson Road. Attorney Herrbach had a copy of the finding of the Zoning Board, this was provided to Mr. Fuller. Mr. Fuller stated that part of the fence was removed, but not all. Councilman Ron Lombard will look at the posts that are left and see if the Town can do anything.

COUNCIL COMMENT: No comment.

CLERK'S COMMENT: Included in their packets were the two (2) resumes of the gentlemen who are interested in the position of Electrical Inspector. Kirk Burnett submitted his resignation as our current Electrical Inspector which will be effective as soon as the new inspector is chosen. This appointment should be made at the next meeting.

There being no further business or comments Councilman Jeff Studtman moved for adjournment at 8:30 p.m. and Councilman Ron Lombard seconded. The vote was unanimous.

Attest: _____

Anne M. Dobbs, Clerk-Treasurer

Minutes of the Trail Creek Town Council Meeting for:
July 21st, 2009

The regular meeting of the Trail Creek Town Council was held on Tuesday, June 16th, 2009 at the Town Hall, 211 Rainbow Trail, Trail Creek, Indiana. Council members present were Councilman Warren Schacht, Councilman Ron Lombard, Councilman Jeff Studtman, Councilman Jamie Baldwin and Council President John Bayler. Clerk/Treasurer Anne Dobbs was absent from the meeting but present was Chief Deputy Cindy Kautz. The minutes of the June 16th, 2009 were reviewed. Councilman Jamie Baldwin moved for acceptance and Councilman Warren Schacht seconded. The vote was unanimous.

The Clerk Treasurer report was reviewed, Councilman Jeff Studtman had some questions regarding the balance on the Treasurers report. Chief Deputy Kautz said that she would check into that discrepancy. Jamie Baldwin moved for acceptance with reservations and Councilman Ron Lombard seconded. The vote was unanimous.

CLAIMS – Chief Deputy Kautz submitted to the Council a bill that had come in from Delta bringing the total claims against the Town in the amount of SIXTY EIGHT THOUSAND NINE HUNDRED EIGHT DOLLARS and 56/100 (\$68,908.56) were presented. Councilman Ron Lombard moved for payment and Councilman Warren Schacht seconded. The vote was unanimous.

CORRESPONDENCE: A thank you note was read from the Carolina Kubath, Michael Kubath's widow, for the Town's donation to the family.

A letter was read by Chief Deputy Kautz thanking and praising Marshal Schoof and Officer Dick for their help in assisting Roger and Donna Butlers family in their time of need.

REPORTS:

ATTORNEY: Attorney William F. Herrbach was absent from the meeting, his associate Mark Woodcox was present. No report was given.

BUILDING INSPECTOR: Not in attendance but left the information with Chief Deputy Kautz. There were six (6) permits issued at \$255.00 in fees.

ENGINEER: Engineer John Doyle reported that he has the preliminary plans for Roeske Avenue and Welnetz Road with respect to major improvements on these roads. It basically is the complete reconstruction of the northerly 800 feet of Roeske and approximately 150 feet of Welnetz. Since this area is very flat it is very difficult for the water to go anywhere. The plans are to tear out the northern section in 100 foot intervals to open up the storm sewer, the same thing needs to be done on Welnetz Road. The plans are to install a gutter to control the storm water. A drain with a perforated pipe is also proposed. Contract Division "A" is from Roeske and Welnetz, Engineer Doyle would advertise and it would be in the paper next Monday, opening the bids on the 14th of August. If the Council approves the bid, the contract would be able to be awarded at the next meeting on August 18th, 2009. Keith Blozis spoke up and stated that he attended a meeting in Michigan City and explained to the Trail Creek Council what he thought Michigan City proposes to do. Engineer Doyle stated that with his proposal it will hopefully control the groundwater but that there are no guarantees. The plans are also being prepared for Coolspring Avenue. Councilman Warren Schacht clarified that Division "A" is the Roeske/Welnetz Road project and Division "B" is the Roeske/Johnson Rd. project. Engineer Doyle said that it will take several months for Division "A" to be completed. Councilman Jamie Baldwin made a motion that Engineer Doyle proceed with advertising Contract "A" and Contract "B", Councilman Warren Schacht seconded. The vote was unanimous.

MS4: Kate Doyle advised the Council that on the 28th and 29th of June there will be an audit and they will also be at the Street Department to do an inspection.

PARK DEPARTMENT: Park Board president Robin Kohn welcomed Ron Nagle to the Park Board as the newest member. Park Board member Chris Willoughby reported on the tennis courts bids, which he stated were rather old. The bid from Ranger materials was rejected as they felt that essentially all they would be doing is cleaning the surface and putting acrylic compound in the cracks. Indiana Asphalt provided the Town with three (3) different quotes and the Park Board felt

that the quote from Indiana Asphalt should be accepted as their quote was more inclusive. They would do two (2) different procedures to the courts. Mr. Willoughby will be requesting another contract from Indiana Asphalt.

Mr. Willoughby also gave the Council an update on the baseball program. The All Star games are finishing up this week and there will some fall ball but the major part is done. He is hoping that the Town will sign a new contract for the upcoming years regarding baseball.

PLANNING AND ZONING: No new business. Resident Howard Fuller, 311 Johnson Road Trail Creek, spoke and asked about the appeal that was filed in regards to the Planning and Zoning meeting of June 25th, 2009. Councilman Jamie Baldwin stated that he will check into it and either he will contact him or the President of the Zoning Board, Bill Greene, will contact him.

POLICE DEPT: Marshal Paul Schoof asked if all the Council members had received a copy of the grant proposal that he had submitted? He advised them that they are also planning on submitted another grant proposal for Operation Pull Over which needs to be submitted by August 1st, 2009. Marshal Schoof stated that he received a letter from the LaPorte County Prosecutors Office stating that they are receiving \$440.00 through the Infraction Deferral Program. Deputy Kinney is back to full duty status with the National Guard so the department is back to three (3) officers. Marshall Schoof is talking to some part time policemen to see if they will be available. Marshal Schoof would like to set up a workshop with the Town Council in regards to some of the issues with the baseball program and also the fireworks ordinance. Councilman Lombard suggested that they wait to schedule this workshop until Attorney Herrbach is back as he needs to be involved. Marshal Schoof would also like to get the comments back regarding the SOP.

STREET DEPARTMENT: No one in attendance.

NIRPC: Councilman Ron Lombard stated that both NIRPC meetings were canceled this month. .

OLD BUSINESS: Resident Keith Blozis asked for clarification from Engineer Doyle as to what a gutter is and what it is suppose to do? Also he asked for verification that a storm drain was going to be installed.

Dennis Metheny, Coolspring Township Trustee, stated that he was at the County Commissioners meeting earlier in the day. At that meeting he spoke to the County Surveyor Hendricks and he asked that Engineer Doyle contact him as the County may be able to help the Town monetarily with the drainage problem.

NEW BUSINESS:

1. A new electrical inspector was to be appointed but neither gentlemen attended the meeting. Kirk Burnett will be submitting his letter of resignation which will be effective as soon as the new inspector is appointed. Chief Deputy Kautz will contact the two (2) candidates and she will ask them both to submit a brief resume.
2. Employee Handbook. Some changes were to be addressed but since Attorney Herrbach was not in attendance this will be put on next months agenda .
3. Amendment to Park Board Ordinance. Council President John Bayler explained that the bylaws state that the Park Board will be appointed on the basis or their interest in and knowledge of Parks and Recreation but no more than two (2) members of same Board shall be of the same political party. We have had two (2) vacancies this year and one of the residents had let it be known that she would like to be on the Park Board. Council President John Bayler stated that the Town can vote on an amendment to the ordinance that would allow individuals of any party be allowed to serve. Attorney Mark Woodcox stated that there was a state statute that would allow the Council to vote by majority to waive those requirements, that way the ordinance would not need to be changed. Discussion ensued as to whether or not Marty Stock man is the candidate that will be appointed to the Park Board. The vacancy was basically filled last month with the appointment of Marty Stockman but the Council needs to waive the requirements.

Chris Willoughby stated that resident Jerry Heath, who is a registered Democrat, who would like to be on the Park Board. Councilman Jaime Baldwin suggested sending it back to the Park Board and letting them decide. It was decided that the Park Board will meet with the candidates and make their recommendation to the Council.

PUBLIC COMMENT: Howard Fuller reiterated his previous question regarding the Planning and Zoning Board decision. Dennis Metheny, Coolspring Township Trustee, stated that he had published an additional appropriation for the addition to the Coolspring Volunteer Fire Department. Angela Kniola wanted to know what happens after letters are sent to residents regarding the condition of their property? Attorney Herrbach sends out these letters to the various residents. The Town Council will talk to Attorney Herrbach regarding the next step.

COUNCIL COMMENT: Councilman Warren Schacht stated that he hopes something can be done soon about the residence Angela Kniola referred to in the public comment.

John Doyle reiterated that bid opening will be August the 14th and it is necessary that at least two (2) council members be present.

Marshal Schoof wanted to thank Attorney Herrbach and Engineer Doyle for their quick assistance with a matter he consulted with them about.

CLERK'S COMMENT: No comment.

There being no further business or comments Councilman Jeff Studtman moved for adjournment and Councilman Ron Lombard seconded. The vote was unanimous.

Attest: Anne M. Dobbs ck
Anne M. Dobbs, Clerk-Treasurer