

## COUNCIL MINUTES

AUGUST 11, 2020

Present were council members President William Lopez, Vice President David Phillips, Greg Stinson and Brian Finley, Attorney Gregg Sobkowski, Police Chief James Spanier, Fire Chief Jay Craig, Park Director Brian Bagajski and Building Commissioner Michael Barry. Council member Erik Wagner was absent.

### APPROVAL OF MINUTES

Finley made a motion to accept the minutes as written and Phillips made the second, vote 4-0 motion passed.

### APPROVAL OF CLAIMS

Stinson made a motion to accept the claims as presented and Phillips made the second, vote 4-0 motion passed.

### COMMENTS FROM THE FLOOR

James Morsch 2912 Wabash, stated that that Carl Dahlin is out of control regarding the parking at Johnson Inn. Porter police are doing a great job trying to control parking at beach. Dahlin is not licensed to park cars. The town needs to find a solution and he stated the building is on the most valuable piece of land in Porter but is depressing property values because of the condition of the building. He stated that Dahlin's parking business is totally illegal and should be regulated. He noted that the town's ordinance states that the lot needs to be paved and striped. Building Commissioner Barry said that all parking lots and businesses are exempt from new codes that are adopted after their business was already there. Also, Larry Starett and Rob Albrecht-Mallinger agreed with Morsch that this property is a problem.

The council agreed that the building is a problem and needs to be inspected. The Council approved Barry to issue an unsafe building order to Dahlin compelling him to secure the building and appear before the Board of Zoning (BZA) for a hearing. Barry stated that he will get a new inspection of the building with Fire Chief Jay Craig and the State fire Marshal. Barry said it is an option for the Town to order removal of the entire building, depending the results of the inspection. Attorney Gregg Sobkowski noted that if the building owner does not comply with the order, the Town would have the burden of funding demolition and later seeking reimbursement. Lopez, Phillips and Stinson said they see the residents' concerns but this process will not solve any problems this summer. Dahlin will be given time to secure the building and then meet with the BZA in September.

Jennifer Klug, Franklin Street asked the council if they are going to set up payment plans for sewer bills. Council stated yes.

Cheryl Meier 2829 Lakewood Trail, noted that Porter beach is overcrowded with cars from Illinois and Michigan. Town residents can't even go to our own beach. Barry said that he has

called to State representatives trying to get Porter beach closed. He has received advice from the National Park to call Porter County Health Department and complain about overcrowding and lack of social distancing is the best way to get beaches closed.

Rondi Whitman, Pheasant Run, informed the council that every year the Senior citizens of Hawthorne Park have Walgreen's come to their meeting and give free flu shots. This year it will be done by drive thru in batches of 25. They must pre-register for the flu shots. Council agreed this is a good idea.

#### CLERK TREASURER REPORT

Pomeroy asked the council about waiving late fees and penalties for the next billing cycle which will be due October 15<sup>th</sup>. Pomeroy suggested allowing residents 6 months to pay off their past due sewer bills. They should call town hall and make payment arrangements which will be pay a portion of your late bill each month and also pay your current bill when due. The bill should be paid in six months. If you do not call and make payment arrangements you run the risk of being shut off or lien in November. The council instructed Pomeroy to write a letter to include in the next billing, an outline of paying back past due accounts.

#### ATTORNEY REPORT

None

#### POLICE DEPARTMENT REPORT

Chief Spanier announced that the beach was a little slower last week due to the rain, and the police are doing the best they can.

#### FIRE DEPARTMENT REPORT

Chief Craig stated that he received an insurance check in the amount of \$1,475 for the damaged boat. He would like this amount of \$1,475 entered into line 241-001-236 Fire Equipment. Stinson made a motion to enter \$1,475 into appropriation 241-001-236 and Phillips made the second, vote 4-0, motion passed. Craig also thanked Dave Wagner of Wagner's Ribs for his donation of \$4,500 to cover the deductible and replacement cost for a new boat. He also asked council permission to remove the Sea Hawk from inventory since it is damaged beyond repair. Phillips made a motion to have the Sea Hawk removed from assets and disposed of and Stinson made the second, vote 4-0, motion passed.

#### PUBLIC WORKS REPORT

None

#### PARK DEPARTMENT REPORT

Park Director Bugajski reported that the 10<sup>th</sup> Annual Porter's Perfect Pint will be postponed until October 2021 due to the COVID-19 pandemic.

Bugajski requested a total of \$35,000 of 2018 GO Bond to be used to seal/paint Hawthorne Basketball court (\$11,500) and completion of the sidewalk at Porter Cove Park in the amount of

\$23,500. The town will be doing an additional appropriation for the \$35,000 from the GO Bond. Stinson made a motion to approve spending \$35,000 out of the GO Bond for park projects subject to the approval of the additional appropriation and Finley made the second, vote 4-0, motion passed.

Bugajski reported that one of the two flowering Dogwood trees in the Veterans Memorial Triangle at Hawthorne Park has died. He plans to remove both trees and replace with two tulip popular trees which are the Indiana State tree.

#### BUILDING COMMISSIONER REPORT

Building Commissioner Barry presented 17 new contractors, Phillips made the motion to accept the 17 new contractors and Stinson made the second, motion passed 4-0.

Barry said they will start paving Ash, Birch and Cedar next Monday. Stripping is being done on the other roads that have already been paved.

Barry contacted the State of Indiana about beaches. He called Michael Moffit who is Assistant Council to the Governor and talked to him twice and was put in contact with Dan Bortner who is the head of Indiana Natural Resources and they have been calling each other playing phone tag. The reason Barry is calling them is to get State Park beach closed and so far hasn't gotten anywhere with that. Barry did talk to National Park and their recommendation is to call the Porter County Health Department. If you call the health department stating no one is social distancing and overcrowding and this carries a lot of weight as far as the parks go. This might help us get some relief. My personal opinion is that they are waiting until the season is over.

Barry asked council about the Comprehensive Plan update, and gave them a estimate Barry said that the Plan Commission has approved James Mandon to update the plan earlier this year and the Plan Commission has no way to fund this update. Mandon wrote the Comprehensive Plan in 2004 and his proposal is not to exceed \$4,500 and asked the council where this plan can be paid from. The council approved to table this until next meeting.

Barry brought up discussion for Johnson's Inn owned by Mr. Dahlin. Barry presented two Building Standards Order, one was marked "no Hearing" and the other marked "hearing". He told the council to ignore the one saying "no hearing". The one labeled hearing compels Mr. Dahlin to come to the Board of Zoning (BZA) and talk about his property. Barry has tried to get in contact with Dahlin and either he has lost or broken his phone. Barry feels that the best way is try and get him to come to the BZA meeting. This order has several pieces to it, the last section requiring for an unsafe building that will be sealed for a period of more than 90 days. Sealing the building to make it compatible to other buildings and continue maintenance and upkeep of the building in accordance with standards by ordinance, Barry feels this the minimum that the town should do. The building is already vacated but Barry also wants to seal the building. Dahlin is storing things in the building and his son C.L. actually called Barry to say that he had fallen in the building. Removing the entire building is an option but Barry wants to inspect the building with the State Fire Marshall and what the inside of the building looks like. If the building is that far gone the town can compel him to tear the building down or at least try to do it. Barry said he was in the building about six years ago and the floor was squishy. Barry stated that he can get the State Fire Marshall and Porter Fire Chief to inspect the building.

Barry asked the Attorney Sobkowski if they can inspect the building and he said you have the right to inspect the building but if the property owner denies you access to the building then it is a process to go to the court to get an inspection warrant to allow you to get in the building without consent. Barry asked for consensus from council what to send to Mr. Dahlin. Barry said the last time he asked Dahlin to fix the windows he got a ladder and climbed up and did it himself and he doesn't want to see him on a ladder. He wants to figure out how he can make Dahlin hire someone to make repairs. Barry wants to check and make him come to a BZA meeting. The next BZA meeting is next week and we can't make him come to that one and we have to give the property owner enough time. I think the September meeting would work. Stinson stated that issue Dahlin would need to come to BZA to convince them that the building does not have to come down if the inspection failed. Attorney Sobkowski stated that the town issues this order and the property owner does nothing, the BZA affirms this order and the property owner still does nothing, the town solicits bids and pays for it to be demolished and then the town seeks costs from the owner. Council asked Barry if he had any idea how much this would cost and Barry stated that a normal house is \$20 to 25,000. Barry said that he would contact the State Fire Marshal to set up an inspection and get an assessment of the building. Sobkowski said that the town would put a lien against the property and when the property is sold the town would get their money back. He also said that the town can foreclose on the lien but that means spending more money then it becomes how much money the town wants to spend. Lopez said that this needs to move forward and Barry said he would set up an inspection.

Barry said about the parking issue at the Inn and the town has to follow town code, the council, police or Barry cannot tell a person how to run their business, the town cannot shut down a legal parking lot. Phillips said that the town has an ordinance that says a parking lot has to be paved and marked and Barry noted that the ordinance is for new parking lots, the Inn has been grandfathered in and does not apply to them. Barry said that they can go back to Plan Commission and upgrade the use variance to make it legal. He said that it can't be done right away but can be ready for next year.

## NEW BUSINESS

### ARETE CONTRACT

Phillips stated that Arete software is a company that monitors intrusion software Sentinel program that will be installed on some computers. They will monitor our system and the software so that there are not any intrusion problems or malware issues, it will protect the computers. Lopez said there is contract language that needs to be straightened out, Sobkowski said he reviewed the contract and Stinson noted that the contract should have a cap on out of pocket expenses of up to \$1,000 that requires prior approval so that the town can approve or disapprove. Stinson said that we should get this straightened out before approving, Phillips doesn't think that they will amend contract but Stinson said there should be a cap on it. Lopez said that he wants a motion to table the contract to get better language. Stinson made a motion to table the contract to have it amended and Phillips made the second, vote 4-0, motion passed. Lopez asked Pomeroy to add to next agenda.

COUNCIL COMMENTS

None

Dated this 25<sup>TH</sup> day of August, 2020.

  
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William Lopez, President

  
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David Phillips, Vice-President

  
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Greg Stinson

  
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Brian Finley

  
ATTEST: \_\_\_\_\_  
Carol Pomeroy, Clerk Treasurer