

PORTER TOWN COUNCIL MINUTES

FEBRUARY 27, 2007

President William F. Sexton called the meeting to order by leading the pledge of allegiance to the Flag. Present were Vice President Lorri Wickberg, Council members Sandi Snyder, Jennifer Granat and Paul Childress. Also present were Clerk Treasurer Carol Pomeroy, Attorney Patrick Lyp, Fire Chief Lewis Craig, Police Chief James Spanier, Building Commissioner Brenda Brueckheimer, Public Works Director Karl Bauer and Park Superintendent James Miller.

APPROVAL OF MINUTES

Wickberg made the motion to approve the February 27th minutes as written and Snyder made the second. Vote 5-0.

APPROVAL OF CLAIMS

Granat made the motion to approve the claims in the amount of \$170,692.34 and Snyder made the second. Childress reminded department heads to hold back on spending with Sexton agreeing. Vote 5-0.

COMMENTS FROM THE FLOOR

None

CLERK TREASURER REPORT

Pomeroy asked the Council's direction for waiving a bond for the Cleaning Crew. They are the contracted cleaning service for the Community Building at Hawthorne Park. The Council agreed by consensus not to waive this bond.

Pomeroy reported that the extra CEDIT money of \$159,943 is in the Rainy Day Fund as per IC 36-1-8-5.1.

Pomeroy informed the Council that she, department heads, Lyp and Granat met with Municipal Code Attorney Dave Beach and had the first proof reading of the Codification. Everything went well and was very productive. Granat said that there still is more fine turning needed. Beach will update what was fixed and will send another proof and then the Council and department heads will have a workshop and give final approval. The codification is expected to be ready by August.

She reported that the office is receiving numerous phone calls about the MS4 or stormwater billing on residents water bill. She asked the Council to explain so that it will be in the newspaper. Sexton stated that the federal government has imposed MS4 on municipalities to enforce but has not funded this program. Basically Environmental Protection Agency (EPA) wants to improve the quality of stormwater runoff which enters rivers and ultimately to Lake Michigan. MS4 requires municipalities to comply with 6 minimum control measures including educating the public, regulating builders and developers at construction sites and eradicating illicit discharge. If these are not complied with the towns lose federal funding and may get fined.

ATTORNEY REPORT

Lyp advised the Council Attorney Greg Babcock has contacted him about Center Street vacation that was approved according to the minutes in 1995 and Ordinance _____. The minutes indicate that the Attorney would take the mylars to Porter County Recorder's Office and have them recorded. However, they were never recorded. Sexton asked Shem of Haas & Associates and Bauer to look into and report back.

Lyp also quit claimed back to the previous owners of the retention pond off of Wood Street that they had quit claimed to the Town last year.

POLICE DEPARTMENT

Will report later in the meeting.

FIRE DEPARTMENT

Nothing

PUBLIC WORKS DEPARTMENT

Bauer reported that Shem, Wickberg and himself met with Chesterton Utilities to work on a long term plan for utilities.

Bauer was asked by the McWhorter family at the corner of Waverly Road and Lincoln Street if the Town could place a guard rail in the easement of his front yard. McWhorter reported that another driver thought that Lincoln Street proceeded East and ran into his car parked in the driveway. This has happened on several occasions. By consensus the Council approved Bauer to install a guard rail there.

OAK HILL LIFT STATION: Shem informed the Council that IDEM has rejected the permit and the design of the force main and wants the upgrade completed this year instead of the 2 phases that the Council voted to do. Shem estimated the total cost to be \$115,000 and must be completed by September 20th. Childress stated that there is not enough money to complete this job. Sexton stated that the Town cannot afford not to do this and get fined. Granat instructed Shem to proceed to get IDEM approval and then made the motion to proceed to advertise bids with the understanding that if IDEM does not approve the process or if funds are unavailable to reject all the bids, Wickberg made the second. Vote was Childress voting nay and Sexton, Wickberg, Snyder and Granat voting yes. Motion approved 4-1.

Bauer also informed the residents that he would be smoke testing the sewer lines on the North side of the town.

PARK DEPARTMENT

Miller reported that last week's ice storm had caused many trees to drop branches everywhere. It took several hours to clean up and he had 75% of help from community service. Miller had called Bauer to have the street department come and chip up the branches. Bauer told him that they would come and pick up and take to the Public Works bldg. since the trucks are not set up for chipping right now.

BUILDING DEPARTMENT

Brueckheimer asked the Council if the department could get ICC membership for the cost of \$100, this includes the new Code books plus 3 other members (Bauer, Lewis and Craig) would also receive updates to the code book. The Council agreed by consensus to permit.

Brueckheimer also asked if the Attorney could look into upgrading the 1968 peddlers ordinance. The Council instructed Lyp to look at it.

OLD BUSINESS

- **Taxi-cab Ordinance 2007-01.** Childress made the motion to number and read by title only and Granat made the second. Vote 5-0. Granat made the motion to suspend the rules and have second reading, Wickberg made the second. Motion did not carry because Childress voted no.
- **Wheel Loader bids.** Lyp advised the Council to reject all bids and start over. Granat made the motion to reject all current bids and to rewrite the specs with a broader margin and Childress made

the second. Vote 5-0. Bauer was instructed to rewrite new specs and Childress was to review before advertising. The new bids will be opened at the March 27th meeting.

- **Hiring a part-time Police Officer.** The Police Commission asked the Council if they would sign a resolution for indemnification that states that since the new part time officer, who also works for Porter County, that while this Officer is working for the Town that the Town would be responsible. Lyp advised the Council that this is a common procedure. Childress made the motion to sign this resolution and Granat made the second. Vote 5-0.
- **Signature Graphics tax abatement.** Attorney Lyp advised the Council that he has been in contact with Attorney Bob Welsh of Harris, Welsh and Lukmann who was the Attorney to Signature Graphics in 2000 when this abatement was issued. Lyp proceeded to tell the Council that Signature Graphics is required to file a CF1 form to Porter County and the Town of Porter each year. Signature Graphics did file this form in 2002 but has not filed one since. Lyp also informed the Council that one requirement was to hire 13 new employees to make the total of 15 employees. He was going to suggest to Welsh that they come to the next meeting. He advised the Council that they have 2 options, they may revoke the abatement or waive the fact that they have been in default. This was put on the next agenda.

COUNCIL COMMENTS

Shem of Haas & Assoc. told the Council that he cannot find ownership for the property West on Mineral Springs Road and South of the railroads tracks which is part of the bike trail. He has contacted Porter County and also the State of Indiana and no one knows who owns it. Lyp said he would research and get back to Shem.

Jennifer Klug of Lincoln Street asked if the Council was going to be changing ordinances concerning the codification. Granat responded no and if need be their will amend an ordinance if necessary. Granat also stated that it will have a public hearing before being adopted.

Childress advised the Council that he is getting complaints about Bauer not returning phone calls to residents and that when the Town Hall is closed no one can leave a message. He suggested that the calls should be forwarded to Bauer’s cell phone instead of the Town Hall. Bauer said that he would take all calls to his cell phone. Sexton told Wickberg and Bauer to meet and resolve and that he would meet with Pomeroy about the phones at Town Hall.

Snyder made the motion to adjourn and Wickberg the second. Vote 5-0

Dated this _____ day of March, 2007.

William F. Sexton, President

Lorri Wickberg, Vice President

Sandi Snyder

Jennifer Granat

Paul Childress

ATTEST: _____
Carol Pomeroy, Clerk Treasurer