

**PORTER TOWN COUNCIL MEETING  
MAY 24, 2005  
PORTER TOWN HALL**

**CALL TO ORDER**

The meeting was called to order by President William Sexton, who led the Pledge of Allegiance to the Flag.

**ROLL CALL** In addition to President Sexton, those in attendance were: Vice-President Sandi Snyder, Sandy Boothe, Paul Childress, Jennifer Granat, Atty. Patrick Lyp, Police Chief Jamie Spanier, Fire Chief Lewie Craig Building Commissioner Bill Lewis, Supt. of Public Works Karl Bauer, and Hesham Khalil of Haas & Associates.

**APPROVAL OF MINUTES:**

May 16, 2005 – Special Meeting - Boothe made a motion to accept as written, Granat seconded. Vote was 4-0 with Childress responding present.

May 10, 2005 – Sexton asked for a motion to approve. Granat made the motion and Boothe seconded. Vote was unanimous.

**CONSIDERATION OF CLAIMS:**

Claims totaled \$49,357.59. Childress motion to approve. Boothe made the second. Vote was unanimous.

Sewer Claims totaling \$70,565.93 were presented. After discussion, Granat made a motion to accept with Childress seconding. Vote was unanimous.

Payroll Claims – May15, 2005 - \$42,968.75. Childress made a motion to approve with Boothe seconding. Vote was unanimous.

**PETITIONS & COMMENTS FROM THE FLOOR**

Paul Masterman of 3021 LaSalle St. asked about the law covering illegal sheds. There are two on LaSalle Street previously before the council in 1998. He presented a petition from neighbors concerning the elimination of the current sheds and future building. He said Lewis had issued notices to remove them but Masterman opposes any after the fact waiver to leave them in place. Sexton would like the matter put on the next agenda.

Becky Moranto of Porter Cove Association told the Council that the Association wants to build sidewalks in certain areas by Kid's Cove Park as well as other area where they are missing. The project is expected to cost approximately \$7,000.00. She asked the town waive the building permit fee and accept the sidewalks once they were completed. She said the Association will provide the town with all engineers and contractor's proposals as they are received. She questioned if the Association would be libel for injuries to the sidewalks. Sexton asked the Council to review the request. The Council thought it was a great idea as long as they're built to code.

**Ty Marsteden, 1330 Berg St. spoke on behalf of the residents near Lake Charles. Three neighbors accompanied him to the meeting. He provided pictures of a gate, video surveillance and signs that a property owner erected on town property blocking others from access. Sexton said the Park Board has Porter Police at their disposal to enforce ownership and removed any illegal signs. He instructed Lewis and Spanier to look into the matter. Lewis was there on the previous day and talked with the owner and told him to get a survey. Jim Miller was contacted and said the Park does not own it or maintain it. The matter needs to be addressed by the Park Board. Childress remembers from the BZA that the property had been deeded to the town so that Porter could have access to the Lake. He said Miller should have the previous survey.**

**Carl Dahlin of Porter Beach asked if the Council was aware of the Indiana National Lakeshore Privatization Program. Dahlin also had questions on the Bike Trail; Sexton said the bike trail needs to be addressed at the Redevelopment Commission.**

**Ed Storrs of Bowen engineering asked for a letter regarding Porter's inspections for the nearly completed \$5 million expansion of the Chesterton Treatment Plant. Sexton asked Lewis to look into the matter. One electrical inspection has been done. Lewis said he was asked for a letter to write off the inspections. He could not do that. The mechanical inspections need to be made. Lewis will handle this and get back to Storrs.**

## **REPORTS**

**CLERK TREASURER – Pomeroy asked for permission for her and the Deputy Clerk, Karen Spanier to attend a State Board of Accounts two day school in Indianapolis. The Council unanimously gave their permission to attend on June 15 and 16 costing \$150.00 plus hotel room.**

**The town has received an advanced tax check for \$181,542.14.**

**She said Porter had received the donation of a seven-foot double-sided outdoor clock from the Duneland Chamber of Commerce. When a site has been selected, the Public Works Department will pour a pad and bolt it down. Pomeroy and the entire Council expressed their thanks.**

**ATTORNEY- Ly said that the billing will come off the resident's bills in July and return to the town. He said that at the next meeting he would have a proposal from Indiana American Water Co. to take over Porter's sanitary sewer billings, which are based on water usage.**

**Sexton said he had submitted information to Indiana American Water to help with their estimate.**

**Lyp said he had the revised fire contract for their approval. Craig said he received a copy and noticed number five on page two had been changed from hire approval to the town and should be liaison. Sexton agreed. He asked permission to show it to his department before it is passed. Granat agreed. Granat said \$5000.00 has been budgeted for physicals and asked if it were mandatory. Craig said it is. She also asked if zero tolerance should be**

written in the policy. Lyp said it would be added. Craig asked that the \$200.00 allowance for clothes be changed to read pursuant to I.C. 36-8-12-5 which had been agreed upon. Childress asked Lyp exactly where Porter was in regard to the Sewage Plant issue. Lyp said condemning the current sewage plant would be a legal anomaly as there has not been a reported case in Indiana with these same facts. The reports are not complete. There is a meeting set for June 18 with Chesterton to resolve the issue. Snyder said that she is not comfortable going into the meeting not knowing exactly what our options are. She feels that the unexpected increase needs to be addressed before the meeting. Sexton agreed that the engineering work done needs to be address. He also asked the financial advisor to review in the statement read by Chesterton Utility Board President Larry Brandt on May 16<sup>th</sup> for validity. Sexton said that Porter needs to review those prior contracts as well as any new documents received from Chesterton. Snyder said Porter is not even going into the meeting on a level playing field. Porter needs concrete information. Childress said that price tag on the plant needs to be pursued. He feels the collection-system offer is intriguing with no real disadvantage to Porter. Childress said Porter is not going to just give it away. Sexton said that he believed no firm decision was to be made at the proposed June 18<sup>th</sup> meeting.

Childress made a motion to get appraisals of the Sewage Plant as well as our own collection system. Boothe seconded. Vote was unanimous.

Snyder said the residents are still paying the previous rate. Sexton asked Bauer to calculate what the cost will be when it is raised to the 40%. Boothe suggested a different date be set. The council agreed. Sexton will set a new date for the meeting with Chesterton.

**POLICE** – Spanier said the Porter Police Commission is currently reviewing the Animal Control Ordinance. When done, they will forward their recommendation to the Council. The Police Commission also unanimously agreed to promote eighteen-year veteran John Lane to rank of Lieutenant.

**FIRE DEPARTMENT-** Craig reminded residents that it is strictly against state environmental law to open burn and citations will be issued. One was issued on Monday.

**PUBLIC WORKS** –(see attached) -Bauer presented a letter from Haas & Assoc. from a meeting with Indiana American Water’s Dave Clark concerning the Porter Beach Water Extension Project. Porter needs to locate the Public Right of Way for construction or planning. The budgeted money for this project is \$266,000. Childress said CEDIT money could be used if it is stated beforehand. Hesham Khalil said the surveying should be done this fall for spring construction.

Bauer said there is a sink hole on north of US 20 on Beam St. After inspection, Porter County Highway has jurisdiction.

Bauer said \$1104.00 for the Dunes Meadow drainage project will come from the Drainage Fund. He is waiting for the Nike project to be completed.

Bauer submitted a written request to hire two part time employees for the summer (approximately 10 weeks). He asked that they be paid \$8.00 per hour with no benefits. By consensus, he was given permission. Granat wanted to make sure the salary allowance provided for the hiring. He also wants to hold off hiring a full time worker until the fall and he has a chance to evaluate the needs of the town.

Bauer also presented a proposal for mosquito abatement costing \$1651.00 which includes the purchase of a \$750.00 sprayer. Bauer is being certified as an applicator on June 23rd. Granat said she has done extensive research on this problem over the past two years. She is in favor of spraying certain areas but not the entire town. She believes the larvicide is a much better approach to the project. By consensus, the Council said to proceed. Bauer said that the Woodlawn contract has been forwarded to Chesterton. Bauer asked that residents call his office for brush pickup. He will also e-mail Road inventory to Council members.

**PARK DEPARTMENT** –President Bud Tilden representing the Park Board invited residents to the Memorial Day observance at 1:30 on May 30 at Hawthorne Park. From the floor, Zathoe Sexton reminded the Council they were going to purchase a wreath for the service. He also made the announcement that Stephanie Miller had been rehired as Park Administrator. Miller had previously held the position for twelve years before leaving in 2001. Four more applicants also were considered.

**BUILDING DEPARTMENT-** Lewis provided the Council with a list of thirteen new contractors bring the total of 302 for the year. Granat made a motion to accept with Snyder making a second.

Lewis said there is a problem on 6 Box Lane. He spoke to the owner who said he would clean it up within 60 days. A document was signed and notarized and at that time, nothing had been done. Lyp said after a letter and proper procedure, a lien would be put on the property. If Mortgage or other liens are attached, there may be more issues. By consensus, the Council gave Lyp permission to investigate the problem and report back at the next meeting. Lewis requested a Polaroid Camera for his investigations. Craig said he will give him one.

### OLD BUSINESS

**ORDINANCE 2001-07** – Pick up of Large Bulk Items. After discussion, Snyder made the motion amend the ordinance, number and read. Boothe seconded. Vote was unanimous. Childress read the ordinance. Granat made the motion to suspend the rules and read by title only. Boothe seconded. Ordinance 2005-05 was read by Childress. Vote was unanimous.

**NATIONAL PARK SERVICE, PARKING VACATION REPORT**– Sexton announced that a compromise had been met concerning the Indiana Dunes National Lakeshore. He said the previous proposal by Porter to maintain the alley proved impossible as a Dune would have to be moved. They agreed to use the south end of the lot as an exit temporarily and not use the turn around area. Additional signage and striping need to be done. Porter has agreed to let the INDU build and use the new Wabash Avenue parking lot, restroom and picnic area prior to having an environmental study done to route visitors. Sexton said the studies would not be completed until next spring. Porter resident Melissa Cohen asked what would happen if the study proves the alley cannot be vacated. She voiced her concern over the amount of traffic at the beach and that the INDU needs to commit to monitoring

the traffic. She suggested a contingency plan to address this issue. Granat said that the town's ordinances cover this matter. At any time the Building Commission and Police Chief can pull the Lakeshore's permit. Lewis suggested a temporary permit be issued under the circumstances with a deadline for expiration. He said it is up to the residents as to how long they would put up with the problem. Sexton said it will be up to INDU to make good on their promises. Sexton said the town was in a 'catch 22' with not much Porter could do. Knofel Jones of Porter Beach said the town will have to provide law enforcement because INDU will not. Sexton said their support was promised right after Memorial Day. If that commitment does not happen, it is a whole new ball game. Sexton said the town cannot stop INDU from building but it can stop access. Two men from the audience questioned the use of Dabbert Drive in this operation. Carl Dahlin requested to be present when these meetings take place and said he will definitely be willing to work with the Council in this issue.

### NEW BUSINESS

**MIDNIGHT PARADE-** Steve Nietzel of Michigan City submitted two permits; the first for the Midnight Parade and the second for the kid's parade during the day. Mike Smith of Giggles Pizza is sponsoring the parade this year. Hopefully he will be turning his building into a sports bar. Insurance is now pending but will be paid and presented at next meeting. Nietzel will again manage the parade. As last year, everyone will need to register for parade because the liability is too high if not registered. Spanier said he had met with the organizers before the meeting and everything seems to follow last year's event. Roger Abraham will assist Nietzel and would like to have a family area at Lincoln Street and Waverly Road if the Park Board would approve. He also asked if one beer garden could be approved. Sexton asked the department heads could review the requests. Spanier said that it would need to be cleared through excise. Sexton and the rest of the Council congratulated them on last year's parade.

### COMMENTS FROM COUNCIL-

Granat brought up the continuous gas odor in the downtown area. She asked Craig to contact Jim Fitzer of NIPSCO. Granat rode on the Operation Lifesaver Train. Indiana ranks fourth in the nation on the number of crashes and seventh in the number that are killed by trains.

Sexton said that resident Nancy Whisler is looking for volunteers to help with the Taste of Porter. Anyone interested should contact her.

Sexton said he had just received a registered letter from Chesterton containing the Wastewater Agreement. He gave it to Lyp for his review.

Sexton also warned residents to remove signs promoting yard sales, weight loss etc. They cannot be placed on public right of way.

With no further business, Snyder made a motion to adjourn. Boothe seconded. Vote was unanimous. Meeting adjourned at 9:30 p.m.

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**President William Sexton**

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**Vice President Sandi Snyder**

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**Sandy Boothe**

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**Paul Childress**

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**Jennifer Granat**

**ATTESTED BY**

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**Carol Pomeroy, Clerk-Treasurer**

**This** \_\_\_\_\_ **of** \_\_\_\_\_ **2005**