

**PORTER TOWN COUNCIL MEETING  
June 14, 2005  
PORTER TOWN HALL**

**CALL TO ORDER**

After calling the meeting to order, President William Sexton led the Pledge of Allegiance to the Flag.

**ROLL CALL** President Sexton was joined by: Vice-President Sandi Snyder, Sandy Boothe, Paul Childress, Atty. Dave Hollenbeck, Police Chief Jamie Spanier, Fire Chief Lewie Craig, Building Commissioner Bill Lewis, Supt. of Public Works Karl Bauer, Park Supt. Jim Miller and Hesham Khalil of Haas & Associates. Carmen Lorenz of the Sewer Dept filled in for Clerk Treasurer Carol Pomeroy who was attending a workshop in Indianapolis.

**APPROVAL OF MINUTES:**

May 24, 2005 – Childress made a motion to approve, Boothe seconded. Childress said on page 2, Attorney Lyp’s last name was misspelled. Correction was made. Vote was unanimous to accept the minutes as corrected.

**CONSIDERATION OF CLAIMS:**

Claims totaled \$37,041.51. Boothe motioned to approve. Childress made the second. Vote was unanimous. Childress pointed out that the Engineer’s payment concerning water at Porter Beach should come out of the CEDIT fund instead of the General Fund.

Payroll Claims – June 1, 2005 - \$47,200.95. Boothe made a motion to approve with Childress seconding. Vote was unanimous.

**PETITIONS & COMMENTS FROM THE FLOOR**

Rita Newman from 315 Franklin asked the Council for permission to post a sign saying that the photographs in the Town Hall were on loan from the Friends of Porter. Childress so moved, Boothe seconded. Vote was unanimous.

Becky Moranto of Porter Cove Assoc. was given permission to begin work on the sidewalk project providing they are done according to Porter’s standard. She was told that Booth is who she should contact in the future.

Ginger Potter of Hunters Glen had a complaint about her sewer bill. Sexton told her that everyone has concerns about the 11.14% increase which will be forthcoming. He said that on Saturday June 18 at 10:00 a.m. there would be a meeting with Chesterton on that subject. She asked if there could be an allowance for irrigation during the summer months. She said other towns have this. She wanted to know if she needed to put in another meter. Discussion followed with Lorenz saying that adjustments are made on the summer billings to allow for watering. Sexton asked her to see Lorenz after the meeting or on Wednesday morning to get the matter straightened out.

**Granat arrived at meeting at this point.**

**Floyd Montgomery of Six Box Lane asked to speak and was told that his matter is on the agenda under Old Business.**

**Ruth Maxwell of Porter Beach asked permission to put a Memorial park bench on Bote` and Wabash. It will be on the north side of Bote` to be available for students waiting for the school bus. They would also like to plant a tree at that spot. The Council gave their approval by consensus but suggested the bench be attached to the ground. Sexton asked Spanier and Bauer if they had any objections and they did not.**

**Melissa Cohen of 2919 Dearborn St informed the Town Council that she is filing an appeal with the Board of Zoning Appeals on Wednesday night. A construction company is planning on leveling two beautiful Dunes and he is already digging in the Dunes and causing drainage problems. During the past two days of rainfall, there has been erosion. Her goal is to save the natural resource of the landscape on Dearborn and Bote`.**

**Frances Masterman of 3021 LaSalle St expressed gratitude for the job the Street Department was doing on the lot down at the beach. She also thanked the Porter Police for the job they are doing with the traffic flow. She has seen no one from National Lakeshore.**

## **REPORTS**

**CLERK TREASURER – Lorenz reported that Pomeroy asked for the scheduling of the budget workshop ASAP. Department heads have all submitted their individual budgets. By consensus, the meeting was set for Wednesday, June 22 at 5:00 p.m. at the Town Hall.**

**FIRE DEPARTMENT- Craig reported on the natural gas odor at Francis and Beam. NIPSCO has found leaks on Michigan and it was saturated with natural gas. They are going to insert a loop new gas line on Porter Ave and they are going to eliminate one line on Francis. Craig said residents should not call 911 about the smell. They should call him at Fire Station and leave a message unless it is an explosive situation.**

**He said Indiana Water will close areas around US 12 and Waverly for 4-6 hours on June 16 starting at midnight.**

**He asked permission to proceed toward the 50/50 DNR grant. Craig explained he has \$3700.00 from his CREDIT money. By consensus, the Council gave their approval.**

**ATTORNEY- Hollenbeck presented a revised version of the Fire Protection contract. Three changes were made based on the previous meeting. Craig said he would like to review it again with Childress who is the department liaison. Childress asked it be tabled until he could confer with Craig. Hollenbeck and Sexton said they were under the impression all changes requested have been made. Boothe then motioned to accept. Granat seconded. Granat asked how the contract was affected by the Employee Handbook. Hollenbeck stated that members agreed to abide by the Town's Employee Handbook while fighting fires. Hollenbeck also stated that the contract can be amended.**

**Vote was 4-1 with Childress dissenting. Changes can still be made by amendments in the future.**

**Hollenbeck had also talked to Jim Fitzer at NIPSCO about the gas issue and to Indiana American Water. He was unable to get an implementation date for the fire hydrant fee to be paid by the town but said that it had been passed by the Indiana Regulatory Commission. He will continue to pursue this matter.**

**He said that in addition to in house budget workshops, the Dept of Local Finance conducts workshops August 3-4 at the Courthouse in Valparaiso.**

**Hollenbeck said the final distribution from the spring property tax payments should be the second week of July. CREDIT money should be dispersed in the next ten days.**

**POLICE – Spanier said he had increased patrols at Porter Beach resulting in forty-six parking tickets. He had extra patrols made up of part time and reserve officers. All signs have been posted at the beach concerning parking. The software training is scheduled for July 7<sup>th</sup> and usage should begin in the following days.**

**PUBLIC WORKS – (see attached) -Bauer said there will be a meeting on June 22<sup>nd</sup> with Chesterton Storm Water to sign the final papers on the Woodlawn drainage project.**

**He has scheduled a walk through with Marquette Point’s developer on August 1. To date there are four pending items on the punch list.**

**Bauer reported a meeting with Hollenbeck, Haas & Assoc. and LEL and at this point everything is in their court. Hollenbeck said the Visitor’s Center is opening bids on June 23 so LEL is very anxious to proceed.**

**Water mains at Porter Beach will be paid for with budgeted CREDIT money. He is getting information from three surveyors on right of way. He is setting August 1<sup>st</sup> as a deadline for the bids and hopes to have the work done in the fall when there is less foliage.**

**He submitted a letter of credit from Doug Bonin on behalf of Wagner Hills. Sexton asked if the insurance is up to date and was told yes. Childress made a motion to accept the letter of credit dating from March 2005 to March 2006. Snyder seconded. Vote was unanimous.**

**Bauer has \$6000.00 for paving and sidewalks. He has approximate seven roads needing attention. Hollenbeck suggested he get a bid on all roads at one time which will render a better price. He suggested Bauer work with Haas & Associates and put out specifications. By consensus, the Council agreed.**

**Two part time workers have been hired; Vance Carlin and Brad Godfrey, both have CDLs.**

**PARK DEPARTMENT – Miller announced the Kid’s Program is underway. Anyone interested should call 921-1687. The one free band concert at the Gazebo will be June 21 at 7:00. The Park Board has approved the building plans submitted by Gerometta and Kinel for the Community Building remodel. Hollenbeck requested Miller to have Dave Kinel contact him for finality of the plans.**

Miller had talked with the owners (Laura & Nick McAdams) at the Lake Charles property. Originally Miller thought that they were doing a survey of the boundaries. Lewis said the survey plat said the town did own the right of way and then signed a quick claim deed to the Porter Park Dept. The DOT says the State of Indiana still owns it but it is now in Porter's control. Miller said he would erect a sign declaring the town's property. The gates have been removed already.

**BUILDING DEPARTMENT-** Lewis offered ten new licensed contractors bringing the total to 312. Granat made a motion to accept them with Snyder making the second. Vote was unanimous.

Concerning the matter of 6 Box Lane, Lewis said he and the property owner Floyd Montgomery had signed an agreement that all work would be done within 60 days and that had not happened. He was then sent a registered letter saying he was in violation of the Town Code. Everything is just as it was before the arrangement.

Montgomery said he is now motivated to sell the property. He has found a flat bed to remove the cars. He also wanted to demolish the house and thought that perhaps the Fire Department could help but he was told no. He asked for the patience of the Council. Sexton said this has been an on going project for several years. Two previous building commissioners had contacted him to complete this project. Montgomery said he promised because now he wants to sell and asked for the end of July as a final date. Snyder asked if he intends to sell. Neighbors are tired of this area with disabled cars.

By consensus, the Council consented to draw up an agreement Wednesday June 15 at 9:00 a.m. Lewis will meet with Montgomery at that time. Lewis said he does not want to hurt him but he worries about the area as a danger.

### OLD BUSINESS

**DISCUSSION OF MIDNIGHT PARADE, BEER GARDEN, CHILDREN'S AREA** -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. Nietzel said there should be a copy of the coverage from Farm Bureau Insurance at the Town Hall and if it had not been faxed yet, he would see that it be received on Wednesday morning. Smith and Nietzel also asked for permission to enlarge the Beer Garden from the previous side yard to the front and into the street prior to the parade. Their intention would be to fence off an area in front of the former Giggles Pizza and just prior to the parade move the crowd back to the sidewalk area. Discussion from the Council indicated they thought moving the crowd back after they had been drinking would not work. Granat and Booth both said the Beer Garden next to the building would be permissible but not on the sidewalk. Spanier advised the Council that any expansion of the Beer Garden would have to have excise approval. Nietzel said that Able Disposal would be hired for trash pickup. Portable toilets would also be available. They would also like a family area at the corner of Lincoln and Waverly. Sexton advised them to seek permission

from the Park Board. The Kiddie Parade will be at 10:00 a.m. All entrants to both parades need to be registered prior to the step off.

Snyder voiced her opposition to the Beer Garden. She said for the past year Porter has been actively voicing opposition to the drugs and alcohol in the community. She feels the 4<sup>th</sup> of July should be about the celebration of the birth of our nation and it should be a family time. Snyder said this is giving the young people the wrong message.

Boothe then made a motion to accept the parade permits. Granat made the second. The vote was unanimous to approve the two parade permits.

### NEW BUSINESS

**ILLEGAL SHEDS IN PUBLIC RIGHT-OF-WAY** – Hollenbeck had investigated this matter and found that the wooden stairway was given a permit and it was authorized by the previous council. The sheds, however, were not given a permit. Sexton said the sheds are illegal and need to be moved. Childress made the motion to have them removed within thirty days and Granat made the second. An unnamed man from Porter Beach rose and thanked the Council for their decision. Hollenbeck will write the letter.

### COMMENTS FROM COUNCIL-

Sexton brought up the meeting with Chesterton on Saturday June 18 at 8:00 a.m. and referred to the agenda prepared by Chesterton. Snyder said this is an exorbitant raise and no where does it give Porter a chance to comment. It only lists Chesterton's plan to take over Porter's collection system. Granat said it was listed under possible Porter goals.

Sexton said there should be guideline to purchase that land. The agenda should list possible Porter goals and possible Chesterton goals. There are to be no attorneys present. Sexton said he did not want to talk about acquisition without the attorney present.

Granat's opinion is that Porter is going to voice their opinions and ideas to reach a common ground. They are attending to view options.

Childress agrees with Snyder and believes that Chesterton is going to attempt to discuss only one issue. Sexton said that an independent moderator was to be present. No one knows who the moderator will be. Sexton offered to find out prior to meeting.

Hollenbeck who also represents Indian Boundary Conservatory spoke with Chuck Parkinson of the Chesterton Utility Board did not invite the Indian Boundary Conservatory to participate. Sexton had been told that everyone was going to be asked to participate.

Snyder said this is not even friendly. Boothe said the good intentions are not there.

Sexton asked if the Council will meet with Chesterton and everyone replied no.

**Childress said if everyone including Indian Boundary Conservatory is present he will attend but not under the present circumstances.**

**Snyder said that first the Chesterton Utility said they were raising rates 23% and then they said oops, sorry that figure is tripled. They then drag their feet. Then they move to acquire even more of Porter property. Now they want our collection system.**

**Childress wants the appraisal on the Waste Treatment Plant. One appraisal on the market value had been done.**

**Granat suggested a letter to the residents asking their opinions on this matter. Sexton said a letter would be sent prior to the workshop. He asked Cender if the actual numbers and if are 22.37 % in January and then another 11.14% to correspond with Chesterton bringing the total in excess of 33%.**

**Granat said either way an ordinance should be ready for a rate increase. Hollenbeck said he would prepare the document.**

**Sexton asked Hollenbeck to notify Chesterton that Porter would not be in attendance on Saturday at 8:00 a.m.**

**By consensus the workshop was scheduled June 25 at 10:00 a.m. at the Town Hall.**

**Childress asked Hollenbeck to proceed with the process for Porter to acquire the plant.**

**Snyder made a motion to adjourn and Granat seconded. Meeting adjourned at 9:10 p.m.**

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**President William S. 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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**Carmen Lorenz, Utilities Clerk**

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

