

Burns Harbor Town Council  
Regular Meeting  
January 9, 2019

The Town Council of the Town of Burns Harbor, Porter County, Indiana met in its regular session on Wednesday, January 9, 2019 in the Town Hall. The meeting was called to order by Council President Nicholas Loving at 7:00 p.m.

The Pledge of Allegiance to the American Flag was recited.

**Roll Call:** Toni Biancardi ----- Present  
Eric Hull ----- Present  
Nicholas Loving ----- Present  
Raymond Poparad ---- Present  
Kevin Tracy ----- Present

Clerk-Treasurer Jane Jordan was present. A quorum was attained.

**Additional Officials Present:** Attorney Clay Patton, Town Marshal Mike Heckman, Street Superintendent Pat Melton, Fire Chief/Sanitation Superintendent William Arney, and Park Board Representative Kyleane Tumblin.

**Also Present:** Lily Rex of the Chesterton Tribune

**Approval of Minutes:**

Councilman Tracy made a motion to approve December 9, 2018 meeting minutes once amended to reflect that the Council adopted the 2019 salary resolution as budgeted (Resolution 2018-14). Councilman Hull seconded the motion. Councilwoman Biancardi – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilman Poparad – Aye, Councilman Tracy – Aye. **Motion passed.**

**Reports:**

Clerk-Treasurer Jordan informed the Council the Town received its December 2018 property tax distributions collecting a total of 99.95% for the 2018 year. The Town's 2019 budget and tax rates have been approved by the State. The Town's 2019 tax rate will be \$2.0525 which is an increase of 0.0334 cents from 2018.

Councilman Poparad made a motion the air ductwork in the Town Hall attic be repaired at a cost not to exceed \$4,000. Councilman Hull seconded the motion. Councilwoman Biancardi – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilman Poparad – Aye, Councilman Tracy – Aye. **Motion passed.**

Councilman Poparad made a motion to hold an executive meeting January 16<sup>th</sup> at 5:45 p.m. to interview applicants for the Building Commission's position. Councilman Hull seconded the motion. Councilwoman Biancardi – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilman Poparad – Aye, Councilman Tracy – Aye. **Motion passed.**

Interim Building Commissioner Arney informed the Council he's doing inspections and getting caught up to speed.

Street Superintendent Melton informed the Council they're busy trimming trees and doing maintenance on the equipment.

Town Marshal Heckman requested that Shayna Dujmovich's, the police clerk who also serves as deputy marshal, hourly pay be increased to twenty dollars an hour and that Corporal Tim Lucas, who is scheduled to be promoted to Sargent in February, be promoted now. Councilman Poparad asked is there money in your budget? Town Marshal Heckman stated yes. Councilman Poparad made a motion that the early promotion and pay increases be granted. Councilman Tracy seconded the motion. Councilwoman Biancardi – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilman Poparad – Aye, Councilman Tracy – Aye. **Motion passed.**

Fire Chief Arney gave the Council a status update on the fire department building extension and new fire engine due for final inspection last week in January. The Fire Department thanked the community for donating to the Shop with a Fire Fighter.

Waste Water Superintendent Arney informed the Council there has been a couple of callouts and doing regular maintenance.

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Park Board Representative Tumblin informed the Council movie night is Friday from 6:00 – 8:00 o'clock. This year's Easter Egg Hunt will be Saturday, April 13<sup>th</sup>. The Spectacular Egg Hunt will begin at 10:30 a.m. followed by the General Egg Hunt at 11:00a.m. Councilman Poparad informed Park Board Representative Tumblin that paving the parking lots and the remainder of Lakeland Park Drive will be discussed by the RDC once budgets are reviewed. Street Superintendent Melton was asked to get quotes for the Park and the Town Hall parking lot.

Shared Ethics Advisory Commission Representative Sarah Oudman informed she and Councilwomen Biancardi is preparing training for employees this year.

The following purchase orders were presented for discussion: purchase orders #2626 & 2645.

**Correspondence:**

IDEM – Notice of Approval Title V Administrative Amendment - Ardagh Metal Beverage USA, Inc. Valparaiso, IN  
AIM – 2019 Dues

After discussion pertaining to AIM dues, Clerk-Treasurer Jordan was directed to forward contact information to Councilman Loving and Councilwoman Biancardi and place the matter on the February agenda.

**Presentations, Resolutions, Ordinances and Remonstrance:**

**Ordinance 288-2019 Amending text of the Subdivision Control Ordinance regarding mandatory site plan review:**

Councilman Poparad made a motion that the Town adopts **Ordinance 288-2019 An Ordinance of the Town of Burns harbor Town Council Amending the Text of Chapter 14 Subdivision Control Ordinance within the Town of Burns Harbor, Indiana**

**WHEREAS**, the Burns Harbor Town Council has adopted a Subdivision Control Ordinance codified as Chapter 14 of the Town Code of Burns Harbor, Indiana; and

**WHEREAS**, the Burns Harbor Advisory Plan Commission has initiated certain amendments to the text of the Subdivision Control Ordinance in order to make site review mandatory within the Burns Harbor Town Code so as to better regulate development and save sub-divider's time and money; and

**WHEREAS**, notice has been given in accordance with Indiana Code of all proceedings concerning these text amendments; and

**WHEREAS**, a public hearing has been held before the Burns Harbor Advisory Plan Commission and said Commission has paid reasonable regard, in preparing and considering the proposal, to the factors set forth in I.C. 36-7-4-603, including the Comprehensive Plan; and

**WHEREAS**, the Commission now certifies its proposal to amend the text portions of the Building Code to the Burns Harbor Town Council; and

**WHEREAS**, the Burns Harbor Town Council concurs with its Advisory Plan Commission and accepts this proposal;

**NOW THEREFORE**, be it and it is hereby ordained by the Burns Harbor Town Council as follows:

**Section 1.** That Section 3-2.5 of Chapter 14 of the Town of Burns Harbor Subdivision Control Ordinance shall be amended as follows:

**14-3-2.5. MANDATORY MEETING: *Site Plan Review.*** A person desiring approval of a plat of a subdivision shall appear before the Commission to discuss the proposal prior to filing an application for primary plat approval. No fee or formal application is required for this meeting. The purpose of the meeting is to save the sub-divider time and money, and the sub-divider should be prepared to discuss the details of the proposed subdivision and/or commercial development including such items as proposed use, existing features of the area, exiting covenants, land characteristics, availability of community facilities and utilities, size of development, park areas, or public areas, proposed protective covenants, proposed utilities and street improvements. The sub-divider shall submit completed Site Plans for the proposed subdivision. In order to have the matter placed on the Commission's agenda, a person requesting Site Plan Review should contact the Commission's Secretary no later than ten (10) days prior to the next regularly scheduled meeting of the Plan Commission. (Ordinance 201, 4/11/2007).

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**Section 2.** This Ordinance shall be effective upon its adoption and publication.

Councilwoman Biancardi seconded the motion. Councilwoman Biancardi – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilman Poparad – Aye, Councilman Tracy – Aye. **Ordinance 288-2019 passed on its first reading.**

Councilman Poparad made a motion that the Town declares an emergency and suspends the rules of adopting an ordinance in two separate meetings. Councilman Tracy seconded the motion. Councilwoman Biancardi – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilman Poparad – Aye, Councilman Tracy – Aye. **Motion passed.**

Councilman Poparad made a motion that Town adopts **Ordinance 288-2019 An Ordinance of the Town of Burns harbor Town Council Amending the Text of Chapter 14 Subdivision Control Ordinance within the Town of Burns Harbor, Indiana** on its seconded reading. Councilwoman Biancardi seconded the motion. Councilwoman Biancardi – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilman Poparad – Aye, Councilman Tracy – Aye. **Ordinance 288-2019 passed and was adopted.**

**Other Business:**

Councilman Hull informed the Council that the Plan Commission received a small punch list for Corlin's Landing Subdivision Phase 1. They have put the top coat, everything is complete over there. The developer ran into an issue with the length of time that that neighborhood has been building up. From the time he started until today has been about ten years. The bond company will not do a bond for the required ten percent maintenance bond because it has been so long. The structures have outlasted anything that a maintenance bond would have covered had he been in and out. As a Board (Planning Commission) we have elected to wave some of that. We are making a recommendation to accept Phase I with a \$2,600 punch list certified check until those items have been completed and 10% on the pavement top coat which is \$7,500 in exchange for the current \$100,000 cashier's check that we hold. In addition there are some outstanding engineering bills that need to be dealt with that I am sure he will take care of.

Council President Loving passed the gavel to Vice President Hull.

Councilwoman Biancardi made a motion that the Town accepts Corlin's Landing's Phase 1 infrastructure, requiring a \$2,600 punch list certified check until those items have been completed, a two year \$7,500 certified check for top coat, payment of the outstanding engineering invoices owed; the Town will release of the current \$100,000 cashier's check. Councilman Poparad seconded the motion. Councilwoman Biancardi – Aye, Councilman Hull – Aye, Councilman Loving – Abstain, Councilman Poparad – Aye, Councilman Tracy – Aye. **Motion passed.**

Councilman Poparad made a motion that the Town accepts the Plan Commissions recommendation for the maintenance bond amount. Councilman Tracy seconded the motion. Mr. Lightfoot stated it was \$6,800 and you rounded it to \$7,000 not \$7,500. If it is \$7,500 I will have to get another certified check. Clerk-Treasurer Jordan stated I will get the correct information. Councilwoman Biancardi – Aye, Councilman Hull – Aye, Councilman Loving – Abstain, Councilman Poparad – Aye, Councilman Tracy – Aye. **Motion passed.**

Vice President Hull passed the gavel back to President Loving.

**New Business:**

**Staff anniversary recognition:**

Council recognized the following employees years of service whose anniversary date is in January: Shayna Dujmovich 4 years, Jeremy McHargue 6 years and Robert Wesley 7 years.

**2019 Encumbered purchase orders:**

Councilman Hull read that the following 2018 purchase orders be encumbered for payment in 2019;

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PO#	Vendor Name	Description	Fund Name	Encumbered Amount
2448	Best Buy/Horizon Card	HP Laptop	Park fund	\$ 799.00
2449	ABI Attachments Inc.	Baseball infield equipment	Park fund	3,546.65
2450	Parkreation	Fiber & swing set mats	Park Fund	2,727.00
2595	Kiesler Police Supply Inc.	8 Handguns w/trade in	General/Marshal	1,173.00
2596	Bass Pro Shop/Horizon	Ammunition	General/Marshal	569.62
2597	Szmutko Technologies	3 Dell Laptops w/charges	General/Marshal	3,349.02
2598	Staples Advantage	Toner, paper, folders	General/Marshal	187.65
2600	FBI Buildings Inc.	New office Fire Station addition	RDC General	67,779.00
2621	VanGogh, Inc.	Drywall fire station addition	RDC General	7,420.00
2622	Wayfair/Horizon Card	Vanity	RDC General	810.99
2627	Rigg's Outdoor Power Equ	Hustler mower	General/GM	10,200.00
2628	Chicago Yacht	Salt deicing	MVH	18,020.00
2636	Miller Electric	Lights & panel fire station addition	RDC General	2,095.20
2637	Circle "R" Electric	Electric install fire station addition	RDC General	8,125.00
2638	Tin Crafters Heating & Air	Heat & air install fire station addition	RDC General	10,784.00
2639	Mercury Plumbing	Plumbing install fire station addition	RDC General	5,400.00
2640	Momper Insulation	Insulation install fire station addition	RDC General	5,000.00
2641	Deluxe Epoxy Flooring	Installation floor fire station addition	RDC General	7,055.00
2642	Brenner Concrete	Sidewalks fire station addition	RDC General	2,185.00
2643	C. Gill Paving	Paving area fire station addition	RDC General	7,500.00
2644	Leeps Supply Company	Fixtures fire station addition	RDC General	4,017.00
2648	Frontier Lawn & Garden	Trimmer, blades, scraper	Park fund	492.21
2649	J.R. Burrus Excavating	Sand	Park fund	780.00
2650	Harrisons Paving	Crack seal basketball court, walk path	Park fund	2,400.00
2651	R.V. Sutton, Inc.	Water line to maintenance building	Park fund	4,700.00
2652	Park Tables	Bench	Park fund	324.95
2653	Chesterton Stone	Agglime, dirt, mulch	Park fund	2,000.00
2654	Mercury Plumbing	Tile shower fire station addition	RDC General	3,000.00
2656	Szmutko Technologies	IT equip & install fire station addition	RDC General	7,623.79
2658	Duneland Painting	Paint fire station addition	RDC General	4,800.00
<b>Total Amount Encumbered:</b>				<b>\$ 194,844.08</b>

Clerk-Treasurer Jordan informed the Council that although it seems like a significant amount of money, a large portion of those are to complete the extension of the fire station. That project is spanning over the year so, the goal is to use the money budgeted from 2018 to finish that project.

**2018 Park donations:**

Clerk-Treasurer Jordan informed the Council that the Park used six thousand seven hundred seventy four dollars and sixty three cents (\$6,774.63) of their donations for the 2018 year. Much of those funds were brought in and spent on the 5k run event.

**2019 Uniform Conflict of Interest Disclosures:**

Clerk-Treasurer Jordan informed the Council that a conflict of interest would be filed in case her husband works for the town providing IT service and she will file the paperwork with the State Board of Accounts and the Porter County Clerk's office as required by law.

Councilman Tracy informed the Council that his wife, Krista Tracy, serves on the Burns Harbor Advisory Planning Commission.

**Network computers in Clerk-Treasurer's office:**

After discussion, Councilman Poparad made a motion that the Town network the Clerk-Treasurer's office computers at a cost not to exceed \$3,000. Councilman Hull seconded the motion. Councilwoman Biancardi – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilman Poparad – Aye, Councilman Tracy – Aye. **Motion passed.**

**Permitting and reporting requirements for Assistance Living Facilities and Group Homes:**

Councilman Hull requested that the matter be tabled until a future date.

**GIS Software:**

Councilwoman Biancardi informed the Council that the Sanitation Board has had a model of the town's system created.

Sanitation Superintendent Arney informed the Council that this GIS software would allow the town to work with the sanitation model as well as other town infrastructure. We can utilize the County's system overlays through this software buy purchasing a user license for tracking.

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Councilwoman Biancardi requested that since this software will benefit other departments, would other Boards share the cost of the \$4,800 initial set up fee for one license and a \$750 annual maintenance fee.

After further discussion, Councilman Poparad made a motion that the initial \$4,800 license fee be paid by Sanitation, Storm Water, Planning Commission and Street Department and that the Sanitation Department pay the annual maintenance fees. Councilman Hull seconded the motion. Councilwoman Biancardi – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilman Poparad – Aye, Councilman Tracy – Aye.  
**Motion passed.**

**Approval to Pay Vouchers:**

Councilman Poparad moved to approve all vouchers with three or more signatures. Councilwoman Biancardi seconded the motion. Councilman Loving stated vouchers with three or more signatures. This one (APV 1274) does not have three signatures. Councilwoman Biancardi – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilman Poparad – Aye, Councilman Tracy – Aye. **Motion passed.**

**Approval of Financial Report:**

Councilman Tracy made a motion to approve the December 2018 financial report. Councilman Poparad seconded the motion. Councilwoman Biancardi – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilman Poparad – Aye, Councilman Tracy – Aye. **Motion passed.**

**Old Business:**

None presented.

**Good of the Order of the Community:**

Fire Chief Arney informed the Council that Firehouse Subs awarded the Fire Department a \$40,000 grant to purchase a CPR machine and monitor.

Fire Chief Arney informed the Council the fire department secretary/EMS coordinator resigned so he appointed Heather Howell to the position.

Burns Harbor resident Tom Lightfoot of South Babcock Road requested that the Town plow Phase 2 of Corlin's Landing. Councilwoman Biancardi stated I believe that was Christine's (Attorney McWilliams) determination as well that upon acceptance, once it's recorded, that is what the plat says. Councilman Loving passed the gavel to Vice President Hull. Councilman Hull stated my concern is you don't have the top coat in. If they hit a manhole and tear up the truck, how are we going to address that part? Mr. Lightfoot said Walsh & Kelly, they around the manholes sloped them all up. About every other year, I have to put a little asphalt. I don't mind doing that. I don't own the road. Councilman Poparad made a motion that the Town plows Phase 2 of Corlin's Landing. Councilman Tracy seconded the motion. Councilman Poparad stated Tommy (Lightfoot) would you work with Pat (Street Superintendent) to mark the manholes somehow so, they know where the slops are. Clerk-Treasurer Jordan stated so, I'm clear, the Town owns these roads now? Do we send them to the State to get tax dollars on the mileage? Councilman Hull stated yes, it should be done at plat. Clerk-Treasurer Jordan stated so, would you like me to notify the engineer to certify them to the State or was someone going to do that. Councilman Hull stated I'll call Shem. Councilwoman Biancardi – Aye, Councilman Hull – Aye, Councilman Loving – Abstain, Councilman Poparad – Aye, Councilman Tracy – Aye.  
**Motion passed.** Vice President Hull passed the gavel back to President Loving.

Town employee Rob Wesley informed the Council that he submitted a packet in regards to the vehicle lift in the street department garage. Councilman Poparad made a motion that the departments that utilize the lift, street, sanitation, fire, and police, find it in their budgets to pay for it. Clerk-Treasurer Jordan stated is this the only quote. Is this something that will require multiple bids? Councilman Poparad stated no, it's under twenty five thousand dollars. After discussion, Councilman Poparad directed Rob Wesley to request two more quotes. Councilman Hull directed everyone to stay out from underneath the lift.

Town Marshal Heckman informed the Council the lights in the Town Hall parking lot are being repaired.

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Councilman Poparad made a motion that we adjourn. Councilman Hull seconded the motion. Councilwoman Biancardi – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilman Poparad – Aye, Councilman Tracy – Aye. **Motion passed.**

There being no further business to discuss, the meeting concluded at 8:01 p.m.

Approved at February 6, 2019 meeting.

TOWN COUNCIL OF THE  
TOWN OF BURNS HARBOR  
Nicholas Loving, President  
Eric Hull, Vice-President  
Toni Biancardi  
Raymond Poparad  
Kevin Tracy

ATTEST:  
Jane M. Jordan, IAMC, MMC, CPFA, CPFIM  
Clerk-Treasurer