

Burns Harbor Town Council
Regular Meeting
February 12, 2020

The Town Council of the Town of Burns Harbor, Porter County, Indiana met in its regular session on Wednesday, February 12, 2020 in the Town Hall. The meeting was called to order by Council President Nicholas Loving at 7:30 p.m.

The Pledge of Allegiance to the American Flag was recited.

Roll Call: Toni Biancardi ----- Present
Roseann Bozak ----- Present
Eric Hull ----- Present arrived later
Nicholas Loving ----- Present
Angie Scott ----- Absent

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

Additional Officials Present: Attorney Clay Patton, Town Engineer Martin Bobcek, Town Marshal Mike Heckman, Street Superintendent Pat Melton, Fire Chief/Sanitation Superintendent William Arney, Building Commissioner Robert Wesley, and Park Board Representative Kylane Tumblin.

Also, Present: Lily Rex of the Chesterton Tribune

Approval of Minutes:

Councilwoman Biancardi made a motion to approve January 8, 2020 meeting minutes. Councilwoman Bozak seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Absent, Councilman Loving – Aye. Councilwoman Scott – Absent. **Motion passed.**

Other Business:

Firefighter rank recognition:

Fire Chief Arney announced Burns Harbor Volunteer firefighters' promotions. Matthew Wesley was recognized as Lieutenant and Adam Friday advanced to Safety Officer.

Appointment of Town Boards for 2020 moved ahead in the meeting:

Councilman Loving appointed Robert Crecelius to the Board of Zoning Appeals to complete Walter Macchiarella's term (Council President appointment, term expires December 31, 2022).

Councilwoman Bozak made a motion that the Town appoints Carrie Morgan and Brijean Hogge to fill the open seats on the Park Board. Councilwoman Biancardi seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Absent, Councilman Loving – Aye, Angie Scott - Absent. **Motion passed.**

Councilwoman Biancardi made a motion that the Town appoints Daniel Marsh to Sanitation Board to complete Nathan Tumblin's term. (Council appointment, term expires December 31, 2022). Councilman Bozak seconded that motion. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Absent, Councilman Loving – Aye. Councilwoman Scott – Absent. **Motion passed.**

Councilwoman Biancardi made a motion that the Town appoints Wilbur Oudman to the Storm Water Board to complete Raymond Poparad's term (Council appointment, term expires December 31, 2020). Councilwoman Bozak seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Absent, Councilman Loving – Aye. Councilwoman Scott – Absent. **Motion passed.**

Councilman Loving informed the Council that Ronald Stone was reappointed by the Duneland School Board to serve as the non-voting member of the Redevelopment Commission. The Board is waiting for confirmation in writing from the School Board.

Councilwoman Biancardi made a motion that the Town appoints Howard Morgan as the Town's Shared Ethics Committee representative to complete Sarah Oudman's term. (Council appointment, term expires December 31, 2021). Councilwoman Bozak seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Absent, Councilman Loving – Aye, Councilwoman Scott - Absent. **Motion passed.**

Councilman Loving thanked the Board members for their service to the Town.

Burns Harbor Town Council
Regular Meeting
February 12, 2020

Reports:

Attorney Patton introduced Attorney Michael Brazil, the new attorney with Patton Law, LLC. Attorney Brazil will be handling matters for the Planning Commission and Board of Zoning Appeals.

Building Commissioner Wesley informed the Council that there have been a lot of changes to the state building code this year and he has been busy learning those changes.

Street Superintendent Melton informed the Council the 5500 plow is fixed and back in service. The Department has been busy picking up brush and litter from the roadsides. Summer equipment is being serviced in preparation for change in season.

Town Marshal Heckman informed the Council the department is working on upgrading some of its computer equipment.

Fire Chief Arney informed the Council the ladder truck is back in service. There was a recall on the new pumper but, it is back in service as well.

Sanitation Superintendent Arney informed the Council the department continues to monitor and work on odor control issues and will be upgrading lift station two (2) weather permitting.

Park Board Representative Kylane Tumblin informed the Council the Board is happy with their new Board members and look forward to working with them on projects at the park.

Councilman Loving informed the Council that the Redevelopment Commission allocated \$50,000 from tax abatement funds to support ambulance personnel salaries. The Board has an additional \$50,000 in reserves to cover the rest of the year if necessary. There is progress being made on the Marquette Greenway Trail. Tree clearing and Phase 3 construction will begin this year. Westport Development is making progress; contracts have been approved for that project.

Councilman Hull arrived at 7:45 p.m.

Shared Ethics Advisory Commission Representative Sarah Oudman informed that she emailed the Council the 2019 annual report. The 2020 Summit will be the morning of April 9th. Dan Cline was reappointed President of Shared Ethics Advisory Commission for 2020.

The following purchase orders were presented for discussion: purchase orders #2697, 2698, 2699, 2741, 2742, 2743 and 2754.

Correspondence:

IDEM – Title V renewal for US Steel Midwest Plant Portage IN

IDEM – Receipt of Air Permit Application for Phoenix Services LLC Burns Harbor IN

IDEM – Notice of Public Comment for Rieth-Riley Construction Co Porter County IN

IDEM – FESOP renewal approval for AOC, LLC Valparaiso IN

IDEM – MSOP Administrative Amendment for Sun Cosmetics LLC Valparaiso IN

IDEM – FESOP Reopen approval for Worthington Steel Porter IN

IDEM – FESOP Administrative Amendment for Indiana Pickling & Processing Co Portage IN

United States Department of the Interior – National Park Services expand reservation system & Increase fees

Northwest Indiana Forum – 2020 Investment Contribution

NIPSCO – Power line tree work notice requesting response from Town

State Representative Chuck Moseley – tree sapling donation to the Town

Council discussed Representative Moseley's tree sapling donation to the Town; keeping the Marquette Trail in mind for possible planting locations.

Councilwoman Biancardi made a motion that the Town pays the Northwest Indiana Forum 2020 investment contribution. Councilman Hull seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott - Absent. **Motion passed.**

Council discussed NIPSCO power line tree work notice.

Burns Harbor Town Council
Regular Meeting
February 12, 2020

Presentations, Resolutions, Ordinances and Remonstrance:

Ordinance 295-2020 Amending the Text of Chapter 15 Zoning Concerning Detached Accessory Buildings on second reading:

Councilwoman Biancardi made a motion that the Town adopts **Ordinance 295-2020 An Ordinance of the Burns Harbor Town Council Amending the Text of Chapter 15 Zoning Concerning Detached Accessory Building Within the Town of Burns Harbor, Indiana** on seconded reading. Councilman Hull seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak -Aye, Councilman Hull – Aye, Councilman Loving – Aye. Councilwoman Scott – Absent. **Ordinance 295-2020 passed and was adopted.**

New Business:

Staff anniversary recognition:

Council recognized Timothy Lucas for his 7 years of service.

Reschedule March Town Council meeting:

Councilman Hull made a motion that the March Town Council meeting be moved to Wednesday, March 18th at 6:00 p.m. Councilwoman Bozak seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak -Aye, Councilman Hull – Aye, Councilman Loving – Aye. Councilwoman Scott – Absent. **Motion passed.**

Reestablish CCD tax rate:

Councilman Loving informed the Council that the last resolution adopted to establish the Cumulative Capital Development tax rate was four cents (0.04) through the year 2020.

Councilwoman Bozak made a motion to schedule a public hearing for March 18, 2020 to reestablish the Cumulative Capital Development tax rate at four cents (0.04).

Councilwoman Biancardi seconded the motion. Councilman Hull stated that currently, we are at \$0.0397 and we want to go up to \$0.0400; raise it \$0.0003 cents. Clerk-Treasurer Jordan stated what will happen next year, if you choose not to reestablish, it is possible the rate will be less because of the way the state calculates the CCD fund tax rate. It is not uncommon for communities to reestablish their rate every three (3) years and some communities reestablish every year. Councilman Hull stated the total of that this year would have been \$1,764 so, we are not talking about a huge amount. Councilwoman Biancardi – Aye, Councilwoman Bozak -Aye, Councilman Hull – Aye, Councilman Loving – Aye. Councilwoman Scott – Absent. **Motion passed.**

Shared Ethics Advisory Commission's 2020 Ethics Summit April 9th:

Councilman Loving repeated that the SEAC Summit is on April 9th as Sarah Oudman pointed out earlier.

Sarah Oudman informed the Council that the Summit is open to the public so, anyone is welcome to attend.

Driver Policy:

Councilman Loving informed the Council that our previous insurance company would perform license checks of new hires to make sure they would be allowed to operate our vehicles. That is not going to be the case going forward. The Town has to have a driver policy adopted, included the policy in the employee handbook and the Town is responsible for running drivers' license checks on its own.

After discussion, Council consensus was to obtain criteria from the insurance company, forward to New Focus HR for recommended changes to handbook and that the police department will do the license checks inhouse.

Shadyside Park status report:

Councilwoman Biancardi informed the Council that we have been working our entire previous term with ArcelorMittal about the possibility of donating the property that we refer to as Shadyside Park. The Mill is focusing on the trail property donation so, the Park has been delayed. The play equipment in Shadyside Park is in bad shape.

After further discussion of the status of the ownership of the land and concerns for safety, the Council consensus was to remove the equipment. The General Maintenance/Street

Burns Harbor Town Council
Regular Meeting
February 12, 2020

Department was directed to remove the playground structures and repair guardrails that are in poor condition when weather allows.

Ambulance service collections policy:

Councilman Loving informed the Council that end of month aging report dated January 31, 2020 for the ambulance billing was included in their meeting materials. Due to HIPAA laws, personal identifiable information has been redacted. The Town's billing company does some level of collections in the form of reaching out to people, sending letters and asking. The question is what does the Council want to do about the accounts over 180 days and a process going forward to insure collections on these.

The Council discussed the process of collecting the delinquencies and the necessity for guidelines for a hardship and write off policy. Matter will be discussed further next month when more information is available.

Approval to Pay Vouchers:

Councilwoman Biancardi moved to approve all vouchers with three or more signatures. Councilwoman Bozak seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye. Councilwoman Scott – Absent. **Motion passed.**

Approval of Financial Report:

Councilwoman Biancardi made a motion to approve the January 2020 financial report. Councilman Hull seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye. Councilwoman Scott – Absent. **Motion passed.**

Old Business:

Duneland School property farm land lease renewal:

Attorney Patton informed the Council he has been in communications with the farmland tenant about a lease for 2020. He and Councilman Hull will continue the conversation with the farmer and hopefully have something submitted for approval at the March 18th meeting.

Acceptance of Trail Creek Phase II sanitary sewers:

Councilwoman Biancardi informed the Council that the Town is in receipt of the maintenance bond and all other documentation, video, etc. that we've requested.

Councilwoman Biancardi made a motion that the Town accepts Trailcreek Phase II subdivision sanitary sewer system. Councilwoman Bozak seconded the motion. Clerk-Treasurer Jordan asked when the two (2) maintenance bond would expire; 2 years from the date on the bond or 2 years from tonight's acceptance. Attorney Patton stated you are talking about ten (10) days difference. Councilman Loving stated 2 years from when he gave us the money. Attorney Patton states technically it is 2 years from acceptance. Two years from today. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye. Councilwoman Scott – Absent. **Motion passed.**

AIM 2020 Dues:

Councilman Loving informed the Council that the dues doubled. AIM was contacted and they are going to send us a new invoice for discussion next month.

2020 Financial Services:

Councilman Loving informed the Council that the only changes from 2019 to 2020 was the Principals' maximum hourly rate went from \$550 to \$500 an hour.

Councilwoman Biancardi made a motion to accept the Baker Tilly contract for 2020 and allow President Loving to sign on behalf of the Town once the contract has been reviewed and approved by Attorney Patton. Councilman Hull seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye. Councilwoman Scott – Absent. **Motion passed.**

Councilman Hull asked if the contract covers the Redevelopment Commission.

Burns Harbor Town Council
Regular Meeting
February 12, 2020

Attorney Patton said the initial scan it's just for the Town.

Clerk-Treasurer Jordan informed that it might not have been clear to Baker Tilly that the Town would want a separate contract for each Board. In the past, their contracted amounts are the same no matter which Board they are performing work.

Culverts and ditches on Salt Creek Road and U.S.20:

Councilman Loving asked if there was confirmation from the State on when this work would be performed and how that would align with the Salt Creek Road paving project.

Street Superintendent Melton said the Supervisor in charge of that work is saying the culvert under Salt Creek Road project is scheduled for late May. The State is going to have a meeting the second week of March where ditching will be discussed; digging the ditches on the South side of U.S. 20 from State Road 149 to Salt Creek River will be done this year.

Town Engineer Martin Bobcek said the substantial completion for road paving is August 16th.

Councilman Loving asked Engineer Bobcek to keep the culvert project in mind and see if we can push Salt Creek paving until after the culvert is installed.

Appointment of Town Boards for 2020:

Discussed earlier in meeting.

2019 Awarded Community Crossing Grant – 2020 paving bids:

Town Engineer Martin Bobcek summarized the two (2) bids received for the 2020 paving project, Walsh and Kelly, Inc \$946,754.46 and Rieth Riley Construction Co, Inc \$994,400.20.

After discussion of the companies, their previous work in town and their bids, Councilman Hull made a motion that the Town accepts Walsh and Kelly, Inc's bid in the amount of \$946,754.46. Councilwoman Biancardi seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott - Absent. **Motion passed.**

INDOT Town road inventory status report:

Town Engineer Martin Bobcek informed the Council that after researching Lively Lane and Oak Leaf Lane, they cannot determine if right-of-way was dedicated. Further research would be done by a title research company to ensure that this is not been dedeed somewhere else, then we can proceed to dedication of right-of-way, if necessary.

Councilman Hull made a motion that the Town approves Global Engineering to contract with a title company, on behalf of the Town, to search deed records pertaining to right-of-way dedications of Lively Lane and Oak Leaf Lane. Councilwoman Bozak seconded the motion. Clerk-Treasurer asked if the research, dedication and notification to INDOT would be completed in time to apply for the Community Crossing Grant this summer in order to list Oak Leaf Lane on the grant. Town Engineer Bobcek said he would come back with that information. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott - Absent. **Motion passed.**

Ambulance Service:

Discussed earlier in meeting.

Good of the Order of the Community:

Sanitary Superintendent Arney informed the Council of a Storm Water conference at the Expo Center in Valparaiso and asked if Rob Wesley and he could attend.

Sanitary Superintendent Arney informed the Council of a Clean Cities conference at the Blue Chip in Michigan City and asked if Rob Wesley and he could attend.

Sanitary Superintendent Arney asked if salaries could be paid for Rob Wesley and himself while they attend FDIC conference. Councilman Hull made a motion that the Town pays William Arney and Robert Wesley for their regular pay while they attend the Storm Water

Burns Harbor Town Council
Regular Meeting
February 12, 2020

conference, Clean Cities conference and FDIC conference. Councilwoman Biancardi seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Absent.
Motion passed.

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

There being no further business to discuss, the meeting concluded at 8:55 p.m.

Approved at March 18, 2020 meeting.

TOWN COUNCIL OF THE
TOWN OF BURNS HARBOR
Nicholas Loving, President
Eric Hull, Vice-President
Toni Biancardi
Roseann Bozak
Angie Scott

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