

**Burns Harbor Advisory Plan Commission**  
**Minutes of Monday, June 3, 2019**

The Advisory Plan Commission of the Town of Burns Harbor, Porter County, Indiana met in a regular session on Monday, June 3, 2019 in the Town Hall. The meeting was called to order by Advisory Plan Commission Vice President, Bernie Poparad at 7:00 pm.

The Pledge of Allegiance to the American Flag was recited.

Roll Call:

Eric Hull.....	Arrived Late
Bernie Poparad.....	Present
Toni Biancardi .....	Present
Roseann Bozak .....	Present
Gordon McCormick.....	Present
Jeremy McHargue .....	Absent
Krista Tracy .....	Present

Additional Officials Present

Building Commissioner-Rob Wesley  
Attorney-Clay Patton  
Clerk-Treasurer-Jane Jordan  
Global Engineer-Jeanette Hicks  
Secretary-Marge Falbo

Also Present

Sam Falbo  
Sarah Oudman

Minutes

McCormick makes a motion to approve the minutes of May 6, 2019 as written. Bozak seconded the motion. Motion carried by unanimous vote.

**Communication, Bills, Expenditures**

None

**Report of Officers, Committee, Staff**

*Building Department*

Building Commissioner Wesley says it's been a busy month. We received numerous complaints. Numerous violations were sent out. We had 51 inspections, I believe. We've been moving non-stop. We are definitely trying to tie up some loose ends that have been left over from the previous administration and going from there.

### *Global Engineering*

Hicks says we are working with Building Commissioner Wesley's office waiting on the ArcelorMittal Excavation Permit and as far as I know it has not been issued yet. Once that is, then we are going to be working Building Commissioner Wesley's office as well. Primarily Global will be doing the inspection - that is my understanding. Building Commissioner Wesley says yes. Hicks says that will be coming soon. Then also we did our final inspection of Trail Creek Phase I which you will cover shortly. You received a letter regarding that.

### *Town Attorney*

Patton says nothing other than I will be the attorney on this Board for the foreseeable future. Attorney McWilliams has left my office for another opportunity. I will be here and make sure to give everyone my office contact information. Poparad says, personally myself, I'm going to miss her. She was diligent, anything you asked, she got it done. She was there for us. Her new employer got a good person.

### **Preliminary Hearing**

None

### **Public Hearing**

None

### **Old Business**

Patrick Kleihege

*Seeking acceptance of Trail Creek Phase I Subdivision*

Patrick Kleihege says yes, I am looking for seeking acceptance Phase I. I've been working with Hicks to finish the punchlist as of today. Hicks says in my letter I outlined that it was last month that we had the opportunity to thoroughly check the punchlist. We had previously watched the sanitary sewer videos and found a couple spots which were dirty, mostly in the line. The other item that still needed to be addressed was that Indiana American Water. When putting in service, they damaged the sanitary sewer which was discovered during viewing the video. American Indiana Water fixed the sanitary sewer but a patch of asphalt in the road still needed to be done. Since the last meeting, that patch was done, Kleihege had the lines cleaned again and videoed. I got that video today, I reviewed it; so from our end we are satisfied.

Poparad says to Kleihege you had one curb that you missed. Kleihege says we fixed that. Poparad says so everything on your letter has been completed. Kleihege says yes.

Biancardi says have we provided a dollar amount for the maintenance bond? It's part of the acceptance at Town Council and also having a maintenance bond in place. Hicks says I did not do that. Biancardi says to Hicks and you determine that at 10% of construction costs. Hicks says yes. I will look at the total costs of the subdivision that was constructed in 2006. I don't know if we can get you an amount for the maintenance bond...Biancardi says I feel that this Board can make a recommendation to the Council and then the Council manages that maintenance bond itself so I believe it can be handled that way.

Attorney Patton says how soon can you get that number for us. Hicks says when is the Town Council meeting. Attorney Patton says 48 hours from now on June 5, 2019. Hicks says I think we can probably work on that. I can have that by then. Poparad says that sounds good to me. Hull arrived at the meeting. Poparad says to Hull we looked at Kleihege's punchlist, received a report from Global and everything seems to be in order. The only thing we don't have is a dollar amount for the maintenance bond from Global. Biancardi says I will make a motion. Kleihege says if I get the amount, I'll have a check for Wednesday, June 5<sup>th</sup>.

Biancardi makes a motion to give a favorable recommendation for the acceptance of Trail Creek Subdivision Phase I to the Town Council pending the proper maintenance bond amount which will be provided by Global Engineering. McCormick seconded the motion. Motion carried by unanimous vote.

Hull thanks Poparad for starting the meeting and says he appreciates everyone's patience.

Hull says to Kleihege, Phase I is all done. How is Phase II coming? Kleihege says Attorney Parkinson had some correspondence with Attorney McWilliams. Attorney Patton says there was an email on Friday but I was out for most of the days. I didn't have a chance to look at it. Kleihege says she and Attorney Parkinson were in agreement with the language. We had Khalil look at the rear yard drains and they will go in the written commitments. So it's just getting the final draft from Attorney Parkinson. Hull says when can we expect all that. Kleihege says I'll be here Wednesday for the acceptance of the Ordinance at Town Council. Hull says ok and I don't believe there is anything else that we needed to do. Does anyone remember anything else on that? McCormick says the commitment on the drainage ditch and the language for that. Hull says as long as all that language is correct. Attorney Patton has had a chance to look at it and he's good with it, then we should be able to get that up for a vote and go from that point. Attorney Patton says I'll review that and I'll contact Attorney Parkinson tomorrow. Hull says since Attorney McWilliams is no longer with us and Attorney Patton is taking over that spot, do you anticipate that to be all the time. Attorney Patton says definitely for the foreseeable future. Hull asks if there is anything else for Kleihege. No one had anything else. Hull says we're all good. Kleihege says thank you.

#### Comprehensive Plan Update

Hull says there are a couple of things on that. The Comprehensive Plan has to be updated per Code because it's ten years old. We engaged SEH to do the initial review to take a look at what needed to be done. Our intent has been to get a timeline on some of that for a presentation. The RDC I don't believe will be in a position to give a full presentation on that, but they are going to bring us suggestions for the Sub Area Plan and how we can implement that. I'm sure you know that the RDC has engaged Holladay Properties to be the Master Developer for the 32 acres of land which encompasses the 28 that the RDC had purchased plus the four acres, the former Westport property. There are a lot of different mixed pieces over the course of a couple of years that previous individuals had worked on. There were plans for a container village. There were plans for a park. There were a lot of different concepts. I don't think any of them every got past the concept stage. Live, Work, Learn, Play (LWLP) brought in a lot of conceptions, but none were never implemented. So taking all those different informational pieces and putting them altogether we need to separate out what is actually in Code versus what was suggested as could be Code.

There was a lot of confusion and gray area. They are straightening all that up for us to be able to present us with an actual picture so we can make sure that we're ok as far as plans for all the different aspects of the Comprehensive Plan that needed to be updated and then some specifics on the Sub Area Plan which is already a portion of the 32 acres. I attended a couple of those meetings. Biancardi attended some. Poparad, Loving and Enslin went to one. So various individuals had some opportunity to sit down and take a look at some of that. I am hoping that next month we'll have some presentation items to give you. What will happen between now and our next meeting which will be July 1, 2019 is that you will receive some documents in an email. Does everyone get emails. I just want to make sure that you guys get things.

Falbo asks to be copied on those emails because Poparad is not receiving her emails and doesn't know if he's getting emails from anyone else either. Hull says he will get those to Falbo and says to the Board over the course of the next month you are going to get those documents. This is not really going to be optional at this point. You need to go through them and look at them. You need to read through them prior to the meeting. You need to respond with comments, questions, things you don't understand and send those back to Falbo. She will compile a list and get them into a usable format because people may ask the same question in different ways. Then we are going to give those back to SEH and they will be able to come here with the answers. They are not going to reply back and forth in emails during the course of that time. For transparency, they are going to take all your questions and come back here to answer them so we can get them all addressed together.

Biancardi says I don't know if I heard you say that the "goal" date to have suggestions or suggested changes is June 20<sup>th</sup>. So we have approximately two weeks in advance of the meeting.

Hull says when they come in, it may generate more questions and more discussions. But what we would like to do is be able to use the functions at the meetings to be able to get our questions answered. We may direct them to do more research but what we don't want to get into is being sidetracked. I'm trying to streamline that process so we don't waste a whole lot of time. It's very important that everyone get all their questions in. It will be both the Plan Commission and the RDC working together. The more that we can share across the Boards of the expectations and responsibility we could make it go a little bit smoother.

Biancardi says just be ready when you get it, please review like Hull said to make the most of our meeting times. If there are questions in advance, then SEH can come prepared to answer those or have something to share.

Hull says that will bring us a step further along. Are there any other questions? Has anyone read the Comprehensive or Sub Area Plan?

Biancardi says they are available on line but I like to mark mine up when I'm looking at it. Maybe Falbo can run some on the copy machine here at the Town Hall. Hull says if you need a hard copy, Falbo will issue you a copy of it, otherwise I would strongly encourage that you read through it and at least get a good feel for what it is within in the next week or two.

## **New Business**

Review: Bonds, Maintenance Guarantees, Letters of Credit

Hull says we have two that expire in July.

### **Trail Creek Phase I**

Biancardi says Kleihege's Trail Creek Phase I should convert to a Maintenance Bond. Hull says there is also miscellaneous debt on file in the amount of \$6,502.50. An invoice dated November 16, 2018 from Global Engineering. Hull asks Falbo to look into that.

### **Village of Burns Harbor Phase 4A**

Their Letter of Credit for their Maintenance Bonds will expire on July 20, 2019. I believe our step on that would be...Hicks says we already did it and I believe that the developer was made aware that we had gone out and looked at it. Hull says so what do we need to do with that right now. Hicks says the next step would be to follow up to see that our punchlist that we did prepare has been completed. Hull says why don't you look at it again and coordinate with Building Commission Wesley at the same time. Then while you're there take a look at 4B, because if it's a Maintenance Bond and things are done in July and it's all complete, there is not a lot that will fall apart between July and November. So in October you can give it a quick once over. I think that would be behoove us and get it done a little bit in advance. Hull says you'll give 4A the final check for the next meeting and give 4B a quick glance while you're there. Hicks says yes.

### **Village of Burns Harbor Phase 4B**

Their Maintenance Bond will expire on November 20, 2019

Will be coordinated with the review of 4A.

### **Harbor Trails**

They have a miscellaneous credit on file that is seven years old. A Maintenance Check in the amount of \$7,201.88 issued on October 29, 2010. Biancardi says it's for maintenance of the sewers if it needs to be. I think it's the elevations are incorrect. Hicks says they are flatter. Hull says how long does that stay on the records. What do we do with it? Hull asks Biancardi if she can give the Board an answer on this for next month. Biancardi says she will research it and get back to the Board.

## **Good of the Order and Any Other Business**

Oudman says I want to thank Building Commissioner Wesley for taking care of getting the lot addresses determined. The three lots. Hull says I saw that.

Oudman says I was also wondering if there is any progress on the street name change. Building Commissioner Wesley says I reached out to Attorney Patton on that one and change according to the I believe the 2010 minutes, it was between the developer and the Recorder's office. It had to be recorded at the County level by the developer and re-submitted to the Town and that was never done.

Hull says which street are we changing. Oudman says Bolinger is officially Lillian. Hull says you want to change it from Lillian to Bolinger. Oudman says yes. It some places it's already that. It's just getting all of the places changed.

Building Commissioner Wesley says the problem with that is according to the mapping at the 911 center. There is one address that is Bolinger and the other ones on that street are Lillian. Oudman says generally at the Recorder's office when the deeds are recorded they change it over to Bolinger at the time of purchase when a house is on it and leave it with Lillian until that happens. Building Commissioner Wesley says everything that we have still says Bolinger but it was never recorded as...inaudible. Building Commissioner Wesley says I don't know what the next step is.

Hull asks Attorney Patton. Attorney Patton says I think the major issue is the emergency services. Hull says do we call the 911 office and have them make the change. Attorney Patton says I believe there is a lot more that goes into it than just that. Not just the emergency services but also postal delivery too and that's where I think the conflict is. The post office may think it's one thing and the emergency services thinks it's another. I will look into that and see what I can find out.

Hull says can take the lead on that Building Commissioner Wesley because you have the first half done. We need to get the second half done. Attorney Patton says I'll research it further but I think that it might be ultimately up to the Town. I think it's a recommendation of the Plan Commission but the issue you have here is how many people live on that street? Oudman says there is one house on that street now. There are two lots that are currently developed and it leads into future phases as well. Hull says we need to get it done now. Attorney Patton says I agree. Oudman says there is one resident who has the official address of Bolinger. Legally it is known as Lillian at the County but at the Post Office it's Bolinger and at Burns Harbor it's Bolinger.

Hull says what about 911. Building Commissioner Wesley says 911 is both. Attorney Patton says it's the statute, I'll look at it again at the State statute. Building Commissioner Wesley says Clerk-Treasurer Jordan was looking back at previous minutes to try to get us some more information. Hull says can we help the process by giving you permission from the Plan Commission. Attorney Patton says again I think it's a recommendation from this Board to the Town Council. Hull says if we make a recommendation right now to give it to the Town Council on June 5, 2019. Attorney Patton says mistakes are made when you do something in a hurry. Hull says, I understand, I just want to help the process. If the Plan Commission is good with it now, then we would be done with it and it would be up to the Town Council.

Poparad makes a motion to change the official name from Lillian Lane to Bolinger Lane. McCormick seconded the motion. Motion carried by unanimous vote.

Hull says it's done here, so if the Town Council needs to do anything, they can receive a favorable recommendation from us to be able to do that. Building Commissioner Wesley says we're trying. Oudman says we're at a point now that we can do it and it's not an issue for anybody. Hull says that's what we want to do.

## **Announcements**

None

**Adjournment**

Poparad makes a motion to adjourn at 7:52 pm. Biancardi seconded the motion. Motion carried by unanimous vote.

**APPROVED on July 1, 2019**

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Bernie Poparad, Vice President for Eric Hull, President

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Marge Falbo, Secretary