

Burns Harbor Town Council
Regular Meeting
January 10, 2024

The Town Council of the Town of Burns Harbor, Porter County, Indiana met in its regularly scheduled session on Wednesday, January 10, 2024 in the Town Hall and streamed electronically with Zoom. The meeting was called to order by Council President Jennifer McHargue at 7:00 p.m.

The Pledge of Allegiance to the American Flag was recited.

Roll Call: Councilwoman Roseann Bozak ----- Present
Councilwoman Lisa Draves ----- Present
Councilman Kurt Jordan ----- Present
Councilman John (Jack) McGraw ----- Present
Councilwoman Jennifer McHargue --- Present

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

Additional Officials Present Attorney Clay Patton, Town Marshal Jeremy McHargue, GM/Street Superintendent Brandon Downey, Interim Fire Chief Ryan Nowacki, Assistant Fire Chief Brent Valpatic, and Building Commissioner Charles Hansen.

Approval of Minutes:

Councilwoman Bozak made a motion to approve the meeting minutes of December 13, 2023. Councilman McGraw seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman Jordan – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

Councilwoman Bozak made a motion to approve the meeting minutes of January 3, 2024. Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman Jordan – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

Reports:

Clerk-Treasurer Jordan informed the Council that Deputy Clerk Nicole Migliorini and she will be attending AIM's Newly Elected Officials training next week. Clerk-Treasurer Jordan apologized in advance of the possibility of a few more typos in some of their documents and meeting minutes. Previous Deputy Clerk Peffers was a proofreader at the newspaper before coming to work for the Town. She did a lot of her proofreading. Until her office gets through yearend and Deputy Clerk Migliorini gets up to speed on policies, procedures and government terminology we will do our best. Hopefully, the Council will be understanding of the situation.

Attorney Patton informed the Council that he has had no response or additional communications with Cleveland-Cliffs pertaining to the road easement and possible land donation of the Shadyside Park property.

Building Commissioner Hansen gave the Council a summary of his monthly report and status of current building projects in town.

GM/Street Superintendent Downey informed the Council that his department is getting ready for the winter and asked that he be allowed to move part-time employee Andrew Skalku to full-time. After discussion, Councilwoman Bozak made a motion that the Town hires Andrew Skalku as a full-time laborer at a rate of \$20.00 per hour beginning December 11, 2024. Councilman McGraw seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman Jordan – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

Council discussed a tree on Oak Leaf Lane that might be on town easement. GM/Street Superintendent Downey was directed to look into the matter further and get quotes to remove the tree if it is in the town easement.

Interim Fire Chief Nowacki reviewed his department's 2023 annual report.

Clerk-Treasurer Jordan administered the oath of office to Interim Fire Chief Ryan Nowacki and Assistant Fire Chief Brent Valpatic. Council and those in attendance congratulated the new officers.

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Town Marshal McHargue informed the Council that an officer resigned on January fourth and highlighted his officers and their actions for the month. Officer John Carnahan was one of the first on the scene to rescue of the driver that had been trapped in his vehicle for six to seven days. Officer Kenen Zolper was first on scene and pulled the driver from the vehicle that had caught on fire after being hit by a train. Officer Jordan Jacquez discovered a stolen semitrailer at the Pilot Travel Center while performing extra patrols.

Town Marshal McHargue thanked the Street Department for servicing all of his department's vehicles this past month.

Town Marshal McHargue reviewed his department's 2023 annual report.

Council discussed the police pension proposed by Town Marshal McHargue, length of time the current data is valid, the cost, funds that could be used to pay for the transition, and needing to prepare and adopted several documents if the Town moves forward, the Marshal Department would have to be abolished, employees requirement for physicals and psychological evaluations, whether the Town could require an employment contract as part of employee buy-in, employee retention issues, and being competitive with our neighbors when hiring.

Burns Harbor resident Tammy Short of Rak Road asked if the officers could be in a retirement program where employee contributions are matched by the Town like other 401K programs. Councilwoman Draves stated I think in theory yes, and it is all stuff we have to now look into because there are legalities. We have to get it exactly right and the wording if we are going to have people sign contracts or we are going to have to match anything.

Town Marshal McHargue went over the difference between what the Town pays as part of the civilian pension and what they would pay in the Police and Fire 77 pension, the buy-in and the benefits officers would see by going to the 77 pension.

Town Marshal McHargue requested that the Town waits to begin the hiring process until a decision is made on the pension.

Sanitary Laborer Friday informed the Council the Department just completed its inspections today, pump down test were performed on Monday by Global Engineering, recalibrated telemetry was completed on lift stations number one, five and six last month. One of the lift stations is intermittently calling the County 911 Center. Let me rephrase that. It is not calling the 911 Center. It is an open line from our lift station to the 911 Center. In the future, if you can include me in on those, I can get a hold of 911 and find out what is going on and get on that right away.

Interim Sanitary Superintendent Downey requested that the Council appoints Adam Friday as the Sanitary Superintendent due to his work load and Mr. Friday's knowledge of the utility and that the Town hires another part-time Sanitary Laborer to be trained to cover the utility when Mr. Friday is not working.

Council discussed job descriptions for these positions, advertising and interviewing for open positions, who responds to emergency call outs when a part-time employee is not working, Councilman McGraw made a motion that the Town appoints Adam Friday as Interim Sanitary Superintendent. Councilman Jordan seconded the motion. Clerk-Treasurer Jordan asked what would be the pay rate. What are the number of hours they would be required to work? When would it start? Councilwoman McHargue stated it would still be part-time. Mr. Friday stated until we can sit down and talk and get the job description laid out and everything else, we just keep everything kosher until that time. Councilwoman McHargue stated can we keep his pay the same and hours worked the same. Clerk-Treasurer Jordan stated I do not know how many hours he is authorized to work. His timesheet is different every time he turns it in. You guys need to give some parameters on what you are expecting that to be. Mr. Friday stated twenty-one hours a week I've been averaging. I can up that up to. Councilwoman McHargue stated so we can do the same as we did with Ryan, twenty to thirty hours. Clerk-Treasurer Jordan stated you cannot do thirty hours. Councilwoman Draves stated thirty you have to offer them insurance. Councilman McGraw stated twenty to twenty-five and the pay scale would be. Councilwoman McHargue stated what he is making now. Mr. Friday stated I said let us

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keep just stay base right now. I'm okay with it for now. Yes, I've got concessions, but I'm okay with it for now. So, let's get the logistics out of the way and then once we have a clear understanding of the job description and so forth, then we can come to final pay.

Councilman McGraw amended his motion that the Town appoints Adam Friday as Interim Sanitary Superintendent up to twenty-five hours a week at \$20.00 per hour. Councilman Jordan seconded the motion. Councilwoman Bozak stated Clay (Attorney Patton) how do we go about changing things from having a street department to having a public works department. So that way, all these jobs get encompassed in one. Attorney Patton stated you will probably have to change Town Code. Because, I am sure there are references in Town Code to both department heads. So, we would have to look at that. We would have to look at salary ordinances. We would have to look at budgets. If you are putting what it sounds like two departments now under one department head. Councilwoman Bozak stated I think it would help streamline maintenance in different departments. It would help to streamline sanitation. You know park maintenance, street maintenance, all kinds of different things, so I would definitely like to work with somebody to look at that. Councilman Jordan stated we can have a subcommittee I believe they are called and look all that stuff up. I believe somebody has the Town Code in electronic format and we can do electronic searches. Councilwoman Bozak – Aye, Councilwoman Draves- Aye, Councilman Jordan – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

Stormwater Superintendent Downey informed the Council that he plans to meet with Hesham Khalil of Global Engineering & Land Surveying, LLC pertaining to MS4 and to look at all the town outfalls and piping.

Councilman McGraw informed the Council that he spoke to Hesham Khalil about MS4. He is confirming the Town is ahead of schedule with the A and B reports, which are the two reports we have to complete for the annual report. Everything is looking good for that. Once he returns from vacation, Hesham Khalil will be getting together with all of us to go over whatever is left with the plan A and B.

Councilwoman McHargue requested that Stormwater Superintendent Downey inform her by email when he will be meeting with Hesham Khalil.

Park Board President Kylane Tumblin informed the Council that the Arts and Crafts Building is available for rent and maintenance is working on annual equipment maintenance.

Councilwoman Bozak informed the Council that the Town was awarded a five-million-dollar Next Level Trails grant to help fund the east end of the Marquette Greenway Trail. The Town was awarded a one hundred and twenty thousand dollar (\$120,000.00) Safe Streets and Roads 4 All Grant to evaluate the connectivity of the Town to work on different safe ways to get across from one place to another, such as Corlin's Landing to get across to the Prairie Duneland Trail. Sherley Hines Land Trust was awarded a grant that Burns Harbor is partnered with to provide public access to Linde Dam. Work is being done to clear trees and Phase 1A of the Marquette Greenway Trail.

Council discussed the requirements of the Shared Ethics Advisory Commission Representative, trainers and when they meet.

Correspondence:

IDEM – Notice of Public Comment Part 70 Operating Permit for Monosol, LLC, Porter County

IDEM – Office of Water Quality Notice of Decision to Issue a Modification Permit for Cleveland-Cliffs Burns Harbor LLC

IDEM – Notice of Approval Air Permit TV Significant Source Modification (Minor PSD/EO) for Cleveland-Cliffs Burns Harbor, LLC

Westchester Neighbors' Food Pantry – Thank you for generous donation

Councilwoman Bozak stated she would like to look into Burns Harbor having a micro food pantry similar to ones in other communities.

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Presentations, Resolutions, Ordinances and Remonstrance:

Ordinance 321-2023 Amending the Stormwater Management Ordinance concerning stormwater permit requirements, procedures, and fees on second reading:

Councilman McGraw made a motion that the Town adopts Ordinance 321-2023 An Ordinance Amending the Burns Harbor Stormwater Management Ordinance on its second reading. Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves- Aye, Councilman Jordan – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Ordinance 321-2023 passed and was adopted.**

Attorney Patton asked Jane (Clerk-Treasurer Jordan) does it matter to you since it was passed in 2024 that that's the number for the Ordinance.

Clerk-Treasurer Jordan stated I would recommend that since it was advertised the first time as a public hearing and adopted on first reading with that number, I would keep it that number.

Attorney Patton stated okay that is fine with me. I just wanted to point that out.

New Business:

Staff anniversary recognition:

Council recognized and thanked Jeremy McHargue for his 11 years of service to the Town.

2024 Insurance renewal terms:

Councilwoman McHargue explained it is time to renew the employees' health insurance. Although the plan is the same and the benefits have not changed from 2023, the cost increased ten percent (10%) and the town employees received a three point five percent (3.5%) raise. Currently, the Town pays ninety percent (90%) of the insurance premiums and employees pay ten percent (10%). Would the Town want to pay a larger percentage of the employee health insurance?

Councilman McGraw made a motion that the Town pays ninety percent (90%) of the employees' insurance premiums and employees pay ten percent (10%). Councilman Jordan seconded the motion. Councilwoman McHargue stated we weren't trying to put more burden on the employees. We were trying to take some of the burden off the employees. Councilman Jordan stated it is unfortunate, and correct me if I am wrong, the insurance renewal terms include other insurance besides health insurance. Is that correct? Clerk-Treasurer Jordan stated yes, the Town pays one hundred percent of the employees' dental, vision, life, short-term and long-term disability policies through a different insurance company than their health insurance. This ninety-ten split is solely for their health insurance plan. Councilman Jordan stated it is unfortunate that the health insurance seems to be going up double digits every year. That is just amazing to me. When I actually had a job, our entire raise was consumed by the increase in health insurance. We had a much worse fraction to cover than a ninety-ten. Basically, for about the last ten years, we never really got a raise. I appreciate the concern of the employees looking at that ten percent, but it is ten percent of ten percent. It is not as if they are covering the entire increase. Councilwoman Bozak – Aye, Councilwoman Bozak – Aye, Councilman Jordan – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Nay. **Motion passed.**

2024 Fire service contract:

Council discussed adding language that the Incorporation would share financial information with the Town, a reasonable recommendation for compensation from Fire Chief Nowacki, the volunteer commitment, chemical exposure, and state wide recruiting concerns.

Councilman Jordan asked what is the timeframe on this. Can we give them some time to come up with a reasonable suggestion.

Attorney Patton stated the payment of \$62,750 is not due until December fifteenth, so there is time to up the amount. Even if you just entered into the same contract and just changed the dates for this year, conceivably you could come back next month or later this year and amend that with a higher dollar number.

Council directed Fire Chief Nowacki to look at his figures and come back to the Council.

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Attorney Patton stated I would suggest that Council President and the liaison sit down with your Interim Fire Chief and the Clerk-Treasurer and hash out the terms, hash out the finances, and come back with a proposed contract.

Clerk-Treasurer Jordan asked if it was going to be an issue if the other contract terminated on the thirty-first of December.

Fire Chief Nowacki stated they are not going anywhere.

Attorney Patton stated I suppose you could renew the exact same contract that expired and just change the dates and come back if that's the big concern. And then, come back next month and amend it with additional requirements perhaps on both sides and a higher dollar figure.

Fire Chief Nowacki requested that the Incorporation Board be a part of the discussion.

The consensus was to meet Monday, January 29, 2024 at 6:00p.m.

2024 Engineering service contract:

Councilman McGraw made a motion that the Town approves the Town and Stormwater 2024 engineer service contracts with Global Engineering & Land Surveying, LLC and authorizes President McHargue to sign on the Town's behalf. Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman Bozak – Aye, Councilman Jordan – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye.
Motion passed.

2024 Financial advisor service contract:

Matter tabled until the February meeting.

Fill open positions:

Council discussed the newly created part-time janitorial employee role, expectations, job description, starting wage as pay scale for street department laborer, and average hours to be determined based on the expectation list.

Clerk-Treasurer Jordan was asked to send the previous cleaning service contracted amount to the Council.

Conflict of interest disclosures:

Clerk-Treasurer Jordan explained the State required process elected officials need to follow when a conflict of interest occurs in accordance with Indiana Code 35-44.1-1-4.

Clerk-Treasurer Jordan disclosed that she is married to Councilman Kurt Jordan and that Councilman Jordan is married to Clerk-Treasurer Jordan.

Councilman McHargue disclosed that she is married to Town Marshal Jeremy McHargue and that her son, Joseph McHargue, works at the Park Department during the park season.

Councilwoman Bozak disclosed that her father-in-law works as for the Burns Harbor Park Department and her son, Ayden Bozak, works at the Park Department during the park season.

Trash contract for 2024:

Councilwoman McHargue informed the Council that Republic Services would like to meet to discuss an extension of the Town's contract that expired on December 31, 2023.

Attorney Patton stated the prior Council did not renew the garbage waste service contract with Republic before the end of the year. To continue, there needs to be a written mutual agreement between the Town and Republic Services for calendar year 2024. Based on the prior contract, if the Town did exercise that option for what is known for year three it would be \$20.26 per unit. I would suggest that the Council President and one other Council member and the Clerk-Treasurer get with Mr. Metros as soon as possible to essentially, I don't think there is a negotiation, you either renew the contract by mutual

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agreement pursuant to the terms of the prior agreement for this extension or you don't have trash service.

Clerk-Treasurer Jordan explained that in 2023 Republic increased the house count by one hundred houses for the mobile homes and that she had some discussions with Mr. Metros about their ability to do that based upon the language of the original contract and possible credits.

Councilwoman McHargue and Councilman Jordan will meet with Mr. Metros of Republic Services and report back next month.

Appoint Redevelopment Commission Vice President:

Councilwoman Bozak made a motion that the Town Council appoints Brad Enslen as the Vice President of the Redevelopment Commission for 2024. Councilman Jordan seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves- Aye, Councilman Jordan – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

Plan Commission meeting times:

Councilwoman McHargue explained that the Plan Commission would like to change the start of their meetings from 7:00 p.m. to 6:00 p.m.

After discussion, Attorney Patton stated if it is not in Town Code, I don't think you necessarily need to have a vote on it. It is their meeting. If they want to state when they are meeting, because sometimes those Plan Commission meetings are moved from Monday night because it is Labor Day and they move to the next day and the Council doesn't approve that. I think it just needs to be a matter of their public notice. If the Council didn't set the day and time before, I don't see why changing it is going to have any affect.

Plan Commission President McHargue stated without talking to everybody else, I think just the time, but it would be effective in March. We have already had our January meeting and we have an established date and time for February.

2023 Encumbered purchase orders:

Councilwoman Bozak read the list of 2023 purchase orders that will be encumbered for payment in 2024 upon approval with three or more signatures by the Council.

PO#	Vendor Name	Dept/Fund	Expenditure	Used	Amount
3124	Great Lakes, Ltd	General/Building	1101005392	Install gutter deicers	\$ 1,023.72
3042	Macqueen Equipment	General/Fire	1101004392	Testing service	\$ 2,198.70
3043	Macqueen Equipment	General/Fire	1101004392	Repair parts	\$ 898.38
3107	Pacem Defense	General/Police	1101002311	Training course	\$ 795.00
3126	Leahy Wolf Lubricants	MVH	2201006222	Drum of HP 15W-40	\$ 775.64
3132	Staples	CCD	4402001444	8 chairs	\$ 1,919.92
3138	NW Ind. Law Enforce Academy	General/Police	1101002391	Training course	\$ 900.00
3140	Conserv	MVH	2201006237	Treated salt	\$ 4,120.00
	Conserv	MVH	2201006321	Freight	\$ 540.00
3144	Higgins Overhead Door, LLC	CCD	4402001444	Garage doors & install	\$ 57,272.00
3157	Circle "R" Electric	CCD	4402001444	Town Hall generator	\$ 50,000.00
3158	Anton Insurance Agency	General/Town	1101001342	Insurance premiums	\$ 15,204.00
		General/Police	1101002342	Insurance premiums	\$ 15,874.00
		General/GM	1101003342	Insurance premiums	\$ 8,660.00
		General/Fire	1101004342	Insurance premiums	\$ 17,947.00
		Park	2204009342	Insurance premiums	\$ 1,286.00
					\$ 179,414.36
				General Fund Total	\$ 63,500.80
				Park Fund Total	\$ 1,286.00
				MVH Fund Total	\$ 5,435.64
				CCD Fund Total	\$ 109,191.92
					\$ 179,414.36

Clerk-Treasurer Jordan explained encumbering these funds allows the Town to move the ability to spend these 2023 funds in 2024 as the products or services were ordered or contracted in 2023, but not received by the end of the year.

2023 Park non-capital donations:

Councilwoman McHargue informed the Council that the Park used fifteen hundred sixteen dollars and sixty-one cents (\$1,516.61) of their donations during the 2023 year.

2023 Police donations:

Councilwoman Draves informed the Council that the Police used eighteen hundred eighty-eight dollars (\$1,888.00) of their donations during the 2023 year.

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Approval of December 2023 financial report:

Councilwoman Bozak made a motion to approve the December 2023 financial report.

Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves- Aye, Councilman Jordan – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Abstain. **Motion passed.**

Approval to pay vouchers with 3 or more signatures:

Councilwoman Bozak moved to approve vouchers with three or more signatures.

Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves- Aye, Councilman Jordan – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Abstain. **Motion passed.**

Approval of purchase orders submitted with 3 or more signatures:

Councilwoman Bozak made a motion to approve all purchase orders submitted to the Council with three or more signatures. Councilwoman Draves seconded the motion.

Councilwoman Bozak – Aye, Councilwoman Draves- Aye, Councilman Jordan – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Abstain. **Motion passed.**

Old Business:

Town Complex generator status:

Clerk-Treasurer Jordan stated the Town received an invoice for the generator. She spoke to Circle “R” Electric’s accounts receivable and told them if they delivered the generator to the Town, we would gladly pay them for the generator.

Town Marshal McHargue informed the Council he has been in email communications with the project manager who has indicated since it is a complex installation and they will be interrupting service at the Town Hall and Fire Department, they are watching the weather and are unsure when they can get here three days in a row.

Clerk-Treasurer Jordan asked that the Council think about what should happen with the staff when the building is without power for the day.

Interim Fire Chief Nowacki requested he be notified when the power would be out at the Fire Station because the Department needs power to open the garage doors.

Fill open Board seats:

Councilwoman McHargue clarified her appointments to the Stormwater Board were as follows: Councilman McGraw (R) is completing Toni Biancardi’s term which is scheduled to expire on December 31, 2025, Councilwoman Draves (D) is completing Angella Scott’s term which is schedule to expire December 31, 2024, and Burns Harbor resident Allen Migliorini’s (R) term will expire on December 31, 2026.

Good of the Order of the Community:

Clerk-Treasurer Jordan informed those in attendance that the Council and she were sworn into office on December 28, 2023 and thanked Corinne Peffers for administering our oath of office. Thank you to Hannah Loving for singing the National Anthem. Thank you to Cub Scout Pack 929, Cooper McHargue, Luke Trout and Jase Dyer for performing the flag ceremony.

Councilwoman Bozak made a motion to adjourn. Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman Jordan – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

There being no further business to discuss, the meeting concluded at 9:08 p.m.

Approved at February 14, 2024 meeting.

TOWN COUNCIL OF THE
TOWN OF BURNS HARBOR
Jennifer McHargue, President
Roseann Bozak, Vice-President
Lisa Draves
Kurt Jordan
John (Jack) McGraw

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