

The Town Council of the Town of Burns Harbor, Porter County, Indiana, met in its regularly scheduled session on Wednesday, February 11, 2026, in the Town Hall and streamed electronically with YouTube. The meeting was called to order by Council President Toni Biancardi 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
 Councilwoman Jennifer McHargue-----Present
 Councilman John (Jack) McGraw -----Present
 Councilwoman Toni Biancardi ----- Present

Clerk-Treasurer Nick Loving was present. A quorum was attained.

Additional Officials Present: Attorney Clay Patton, Police Chief McHargue, Street Superintendent Downey, Building Commissioner Lawson, Park Board member Tumblin, and Fire Chief Nowacki.

Approval of Minutes

Councilwoman McHargue made a motion to approve the meeting minutes of January 14, 2026. Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman McHargue – Aye, Councilwoman Draves- Aye, Councilman McGraw- Aye, Councilwoman Biancardi-Aye. Motion passed.

Consideration of Claims, Purchase Orders, and Financial Reports

Approval of Pay Claims with 3 or More Signatures

Councilwoman Bozak made a motion to pay claims with 3 or more signatures. Councilwoman McHargue seconded the motion. Councilwoman Bozak – Aye, Councilwoman McHargue – Aye, Councilwoman Draves- Aye, Councilman McGraw- Aye, Councilwoman Biancardi-Aye. Motion passed.

Approval of Purchase Orders Submitted with 3 or More Signatures

Councilwoman Biancardi stated that we do not have any purchase orders.

Approval of Financial Reports (Fund Report, Appropriation Report, and Revenue Report)

Councilwoman Bozak made a motion to approve the financial reports. Councilwoman McHargue seconded the motion. Councilwoman Bozak – Aye, Councilwoman McHargue – Aye, Councilwoman Draves- Aye, Councilman McGraw- Aye, Councilwoman Biancardi-Aye. Motion passed.

Councilwoman Biancardi stated that I added a financial summary to the agenda that merges the three. I sent a question to Clerk-Treasurer Loving regarding a couple of lines. Most specifically, the emergency medical services, which was the money that we received when we were running the ambulance, has \$6,795 in it. What can we do with

that, because after my conversation with Fire Chief Nowacki last week, I didn't realize that we had someone designated as EMS still, because we purchased medicine and different things to have on calls. I'd like to know if this is something we could use. Clerk-Treasurer Loving stated yes, you can expend money out of that fund, or you could move it to another fund. Councilwoman Biancardi asked what he would recommend: either to move it or leave it? It does earn interest. Clerk-Treasurer Loving asked if it would be used on EMS-related services via Fire Chief Nowacki. Councilwoman Biancardi stated that if everyone agrees, I would like to do that, since that is where it came from. They could then still purchase medicine and have it to replace things. Clerk-Treasurer Loving stated you can just leave it in that fund and then expend it as you please. Fire Chief Nowacki asked if I needed to buy equipment or medical supplies from that fund, and how I would access it. Councilwoman Biancardi stated when you stamp your invoice to pay, we can provide you with the appropriation number.

Councilwoman Biancardi asked what about the ARPA money? Clerk-Treasurer Loving stated that it is on our agenda to discuss with consultant Rongers next week on the budget call. Councilwoman Biancardi stated that I don't think the park non-reverting should have that balance. I believe that money was spent on the Corlin's Landing park. Clerk-Treasurer Loving stated that money was spent out of the park non-reverting capital fund. What you are referring to is the park's non-reverting operating. Councilwoman Biancardi asked if that was balanced right. Clerk-Treasurer Loving stated that it is the balance of their receipts. Tumblin stated I will check with Kim on that. Clerk-Treasurer Loving stated I verified it today, and that is what it is. Councilwoman Biancardi stated it is \$16,650. It seemed like a lot, so I wanted to make sure everyone had what they were supposed to.

Reports:

Clerk-Treasurer

Clerk-Treasurer Loving stated I have a couple of things, the first being the changes to the additional appropriations process. On February 18, 2026, there is going to be a webinar to go over this and give us the full details on it. In summary, we no longer must post additional appropriations to the newspaper; it will be posted through Gateway only. The timeframe is expanded to 14 days' notice. I will have more details next week, and I can send the council the PowerPoint that they share with us on the webinar itself. The next thing I have is liens. We talked about this, and we said we were going to hold off on this, so I just need to know if you want me to be filing liens on the smaller amounts or not. Councilwoman Biancardi asked what do you mean by smaller amounts. Clerk-Treasurer Loving stated \$50, and most of the time it's for not mowing. There is no fee for us, but the fee to file gets added to the lien that the homeowner would be responsible for. Councilwoman Biancardi stated that we discussed doing liens monthly. Clerk-Treasurer Loving stated we did, and then the council said to stop because the values were so small, so I just need to know if the council wants me to continue. Building Commissioner Lawson stated that the \$50 would be the ticket violation for the weed and grass violation, and the hourly time that the Street Department spends on the property cutting the grass should be added as well. So, I think it should be more than \$50. Councilwoman Biancardi stated that I believe the lien process includes notifying

them that it will be liened and that they can pay it before that. I think we should, it is an avenue to use to collect the money. We have a few with Sanitation as well that we may need to do. Clerk-Treasurer Loving stated that last month, the NIRPC seat came up, and that you wanted me to continue doing it. So, I wanted to tell you that I will continue to do it. Councilman McGraw asked if he was still on it as well. Councilwoman Biancardi stated I am not sure that there can be two. You are a board member, so you vote when you are there. I think that you can go and attend meetings if you want to be informed about what is happening. Attorney Patton stated that they are public meetings. Clerk-Treasurer Loving stated it was unclear on the verbiage when you appointed Lisa to the Stormwater board, so if that can just be said out loud again. Councilwoman Biancardi stated I appoint Lisa Draves to the Stormwater Board.

Clerk-Treasurer Loving stated that we talked about this before, that I was going to reach out to Senator Pol to work on the issue of the Clerk-Treasurer's salary. We talked about it, and it isn't going to happen in this session, but something must be done about it because it is exceptionally high anyway. On June 30, 2026, I am going to forego the salary for the rest of the year, to essentially cut it in half for the year. There are a couple of board members who forego salary altogether, so I will submit that letter on June 30, 2026. Attorney Patton stated that one thing we will need to look at is any benefits that may be paid out. There wouldn't be any salary for additional perf, but thinking about insurance. Clerk-Treasurer Loving stated I do not take insurance. Councilwoman Biancardi stated that you could potentially, in the future, earn longevity. Clerk-Treasurer Loving stated the reason behind this is that the council cannot lower the Clerk-Treasurer's salary, so when a new Clerk-Treasurer takes office after the next election, it reverts to the level it is at now. You are also not allowed to lower it.

Town Council

Nothing to report.

Staff Anniversaries

Councilwoman Biancardi stated that Jennifer McHargue has served on the Town Council for 4 years. Tim Lucas has been with the Police Department for 12 years. Brent Valpetic has been with the Fire Department for 2 years as Deputy Chief.

Councilwoman Biancardi stated, just a quick reminder, job descriptions are due by the end of the month. Also, thank you to everyone for putting your monthly reports into the shared drive.

Councilwoman Bozak stated tonight that the Redevelopment Commission approved the contract with Home Tree Service to start taking some of the trees down on Phase 1B, so there is going to be some equipment out on Stanley Street. I am going to get the dates from Abonmarche and send them over to the Clerk-Treasurer's office so we can post the dates of the work on the website and Facebook.

Building Commissioner

Nothing to report.

GM/Street/Sanitation Superintendent

Superintendent Downey stated that there is a big salt depletion in the Chicagoland area. So, we are waiting on salt from Kansas right now.

Police Chief

Police Chief McHargue stated that, just an update, Dathan Bennett is four weeks into the academy with twelve more to go.

Fire Chief

Fire Chief Nowacki stated that there were a couple of promotions at the Fire Department this last month. Lieutenant Matt Wesley is now a captain, and he is going to oversee fleet maintenance, which brings up a second part to that. I have three firefighters set for March 4th, 5th, and 6th to go to the Valparaiso Fire Department for emergency vehicle technician training. Andrew and Mike from the Street Department might attend as well. The classes are for fire or emergency vehicle inspection and fire pumps. The second promotion was Captain Robert Engelard, who is now the assistant fire chief, and he is directly overseeing our EMS program. Just so you are clear, I wanted to explain a little bit about when we had the ambulance service in town, which was an advanced life support ambulance. We licensed the Fire Department last year as a BLS or basic life support provider, non-transport. So, we still have an EMS program, and we still carry EMTs and EMRs. They must maintain their certification throughout every year and maintain a certain level of training, which then brings on the drugs that we must keep in the firehouse, in our jump bags, and vehicles. That ranges from oxygen, glucose, and epinephrine, and these all require a certain amount of training hours and recertifications. That is where the EMS part of Robert's position really comes in. He is the highest level of EMT that we have. He is also one of our Fire Department instructors at a very high level of instruction in the state of Indiana. The Fire Department INCORP has decided to move forward with an event on May 2, 2026. This is going to be our first annual pancake breakfast. An update on the ambulance conversion: it should be done by the end of the week. The only thing we are waiting for is for the rear of the vehicle to get some more stripping equipment. The pancake breakfast will be at the Fire Station from 9 am to 12 pm. I am not sure of the ticket cost yet. INCORP is looking for donations from a placemat company or donation information on a placemat setting. The Fire Department is currently at Lakeland Park doing ice rescue training. I have two other firemen in Rensselaer for their fire officer strategy and tactics class.

Park Board Representative

Tumblin stated a date has been selected for the Easter egg hunt, which will be on April 4, 2026. More information will come to the meeting next month.

Correspondence

Clerk-Treasurer Loving stated that there is a notice of public comment for IDEM related to Chairman Sand Company Inc. There is an office of water quality NPDES permit related to Cleveland Cliffs, and there is a final decision air permit application referenced above, which is referencing oil technology for Cleveland Cliffs Burns Harbor.

New Business

Adopt Employee Handbook Changes

Councilwoman Biancardi stated that we need to adopt the new employee handbook changes. The changes include Ethics training, vacation, float holiday, and comp time, which were included in the revised handbook dated 1/26/2026. Councilwoman Bozak made a motion to adopt the changes to the new employee handbook. Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman McHargue – Abstain, Councilwoman Draves- Aye, Councilman McGraw- Aye, Councilwoman Biancardi-Aye. Motion passed.

Cell Tower Agreement- Proposed Amendment

Councilwoman Biancardi stated that we have been talking about this for quite some time. We have the fourth amendment that is being proposed. They are asking for the annual increase to be 2%, down from 3%, and they want the option to add 625 square feet of space, which would allow them to add 3 additional carriers. Per carrier, they would pay us \$150 a month, so there is a potential of another \$5,400 a year. I did send all council members a picture of where they would put it. Does anyone have any concerns? Fire Chief Nowacki stated I haven't seen prints, but I was under the impression that we have fiber optics there, and maybe sanitation. Councilwoman Biancardi stated we for sure have fiber optics and maybe sanitation. Fire Chief Nowacki stated I am only concerned if they put concrete over that. Police Chief McHargue asked if the expansion was directly behind the police garage. Councilwoman Biancardi stated that it comes off where their fenced area is, so it would come out a little bit further. Police Chief McHargue stated that fiber won't be an issue under the concrete pad, but the big issue is whether more utilities have to be run to that. Councilwoman Biancardi stated that I would be proposing that we add to their amendment a permitting section that requires all permits to be approved by the Town Council, and we also identify town utilities, so fiber and sanitation, if they are going to be crossing it. And, if it is hit, they are responsible for repairs. Councilwoman Biancardi asked Building Commissioner Lawson and Superintendent Downey if they had any concerns. Superintendent Downey stated that other than the map I sent in the email thread, I have nothing. Fire Chief Nowacki stated the only immediate impact would be that the Street Department loses the ability to push snow there. Councilwoman Biancardi stated that it is a potential \$5,400 income for the Town of Burns Harbor by renting that space, which is grass now. Clerk-Treasurer Loving stated just to note, the inflation rate is 2.7%, so you would be going down below. Councilwoman Biancardi stated that if we look at previous meeting minutes, there is some discussion in terms of what they consider their increases. Councilman McGraw stated I just do not like the decrease in the annual income. Councilwoman Biancardi stated that right now it is about \$18,000 and that is used for the scholarships right now, so if we get a 3% increase, that would be \$540, and 2% is \$360. I would like to have Attorney Patton write a section about the permitting that permits come to the Town Council, and calling our utilities, and they would be responsible if they hit those lines. Their proposal is the 2% and the additional square feet, so we can counterpropose it if we want to. We can say no to the increase and yes to the additional space, whatever we want. Councilwoman Bozak stated I do not like

lowering the percentage. Councilman McGraw asked if anyone had looked into the radiation that comes off these towers. Councilwoman Draves stated that you put a cellphone to your head every day. Councilwoman McHargue stated I think we should go back and ask them to keep it at 3%. Councilwoman Biancardi stated okay so we want to stay at 3%, and are we agreeing to the expansion? Councilwoman Bozak stated that if the Police Department, Fire Department, and Street Department are not saying that it wouldn't be an issue, then I see no problem with it. Councilwoman Biancardi stated that we want it to stay at 3%, agree to the expansion, and want to include permitting language. At this point, I feel like we can mark up what they have given us and send that back.

Sanitary Board Bonds

Councilwoman Biancardi stated that our town code says that the council shall fix the bonds required for each member of the Sanitary board and the treasurer of the board, which I believe the Clerk-Treasurer is considered the treasurer. These bonds shall be filed with the recorder. It doesn't necessarily designate a dollar amount, so I am not sure if it is based on receipts. When I was updating the town code, I did notice this, though. Clerk-Treasurer Loving stated that it is up to the Town Council to set the dollar amount; there is no guidance given. Councilman McGraw asked what full-time employees are bonded at right now. Councilwoman Biancardi stated that only Deputy Clerk Parker and Clerk-Treasurer Loving are bonded. Councilwoman Biancardi stated I feel like there must be some sort of formula; I wouldn't even know where to start. Clerk-Treasurer Loving stated I looked, trying to find a base to start at, and I couldn't find anything. Attorney Patton stated that we can look around at other communities, too. Clerk-Treasurer Loving was asked to reach out to AIM for any guidance.

Sanitary Account Adjustment

Councilwoman Biancardi stated that we had an account that wasn't closed when the property sold, so it is continuing to be billed. Though they do not owe us any money. The account number is 162901, 242 Golden Drive. The last time we looked at the amount that has accrued is \$1,219.31. Can we just make a motion to have that adjusted? Attorney Patton asked if the new property owner has been paying. Councilwoman Biancardi stated yes, they have, and they are under a different account number. Attorney Patton asked how we get noticed when a house is sold, and the account is transferred. Councilwoman Biancardi stated that usually books are passed out at the title company. Attorney Patton stated to follow that same process, when someone calls Town Hall to say they need to switch the account to their name, what do we do internally? Councilwoman Biancardi stated that the account number has been changed, so it is reflected as being new, and the new homeowner assumes the new account number. There is a process; I just think something clerically did not happen. A discussion was held regarding what adjustments need to be made. Attorney Patton stated that I think the process of changing account numbers is odd. Councilwoman Biancardi stated I do not have an explanation for that. I am meeting with our clerk on Friday, and I can certainly talk about what we do. Councilwoman Draves made a motion to adjust account #162901 in the amount of \$1,219.13 to a zero balance for the account owner's name, Larry Foster. Councilwoman McHargue seconded the motion.

Councilwoman Bozak – Aye, Councilwoman McHargue – Aye, Councilwoman Draves-Aye, Councilman McGraw- Aye, Councilwoman Biancardi-Aye. Motion passed.

Marquette Greenway Revised Agreement

Councilwoman Bozak stated that we have an agreement with the National Park Service, and we have red-lined back and forth and approved for Council Biancardi last month to sign it, but then the general solicitor came back saying we needed to add things back in. Attorney Patton has reviewed and said that the re-additions are good. The Redevelopment Commission is recommending that the Town Council approve President Toni Biancardi to sign the agreement with the added language.

Councilwoman Bozak made a motion for President Toni Biancardi to sign the Marquette Greenway revised agreement. Councilwoman Draves seconded the motion.

Councilwoman Bozak – Aye, Councilwoman McHargue – Aye, Councilwoman Draves-Aye, Councilman McGraw- Aye, Councilwoman Biancardi-Aye. Motion passed.

Re-establish Cumulative Capital Development Fund

Councilwoman Biancardi stated that we can re-establish the cumulative capital development fund. Our current rate is 4 cents, and Indiana has set the max rate at 5 cents. There is a process we need to complete before June. This is CCD, which funds a lot of the equipment and services that we use to purchase bunker gear and tasers. Clerk-Treasurer Loving stated that we can start the process, and just in general, so everyone knows a political subdivision, or until which is us, desiring a new cumulative fund, which we are not doing, or to increase the property tax rate for an existing cumulative fund, must establish or re-establish the fund. The process is a publication to notify taxpayers, and there is a public hearing and adoption of the resolution or ordinance. There is also a publication of notice of adoption. Then there is a period where the taxpayer remonstrance and hearings, and then we would submit to the DLGF on or before May 31, 2026. They will then review it and include the cumulative funds in the unit's budget. They will also provide some additional guidance going forward. So, it would be a new ordinance re-establishing a cumulative capital development fund. Currently, section 3 notes that it is 4 cents per \$100 assessed valuation, and we will be redoing the new ordinance to reflect the request for 5 cents per \$100 of assessed valuation. I will get this drafted and forwarded over to Attorney Patton so we can get moving on to this at the March meeting.

LIT

Councilwoman Biancardi stated that we keep calling this fund CEDIT, but it is technically LIT now, which is the local income tax. If anyone has followed the news, it is going to expire in 2027. I asked Clerk-Treasurer Loving to check into the process of how we can still collect some via the county. Clerk-Treasurer Loving stated that it would require the county to implement a LIT tax in 2027. I reached out to Ryan Kubal, the director of budget and finance at the board county auditor's office, and his response was that he does not see a new LIT being passed in 2027. But he would have a better idea if they were adopting a new LIT in June or July. I made a note to reach out to him on June 1st to ask him. Councilwoman Biancardi stated that we fund a substantial

amount of things through LIT in the community, so to not have that funding mechanism in the future would be difficult.

Old Business

Unsafe Building Ordinance

Clerk-Treasurer Loving stated that I produced a draft of an unsafe building ordinance, and we reviewed it in September. It was discussed that an ordinance was already in place, and if we wanted to adjust it or table it and let it sit. I do have copies and have uploaded them to SharePoint. Attorney Patton has reviewed this and can remove the draft and give it an ordinance number. We can have it on the table for March.

Councilwoman Biancardi stated that we discussed that the code already references a fund, but we don't have an actual fund in the system currently. Does our current ordinance say anything about the unsafe, or do you now have more language that goes in it? Clerk-Treasurer Loving stated the new ordinance establishes a fund itself that allows us to put the fund in Gateway and get a place to park money that is received. Councilwoman Biancardi stated that the process that Building Commissioner Lawson follows is Indiana code, so we don't need to include this in the codebook. Building Commissioner Lawson stated that the town ordinance says that the Town of Burns Harbor adopted the state code, so it is included. Councilwoman Biancardi stated the next step would be to set it for a public hearing, and the Clerk-Treasurer's office would need to notice and let everyone know that is happening. Clerk-Treasurer stated that it is an ordinance establishing an unsafe building fund. Attorney Patton stated I thought within the current town code that there was. Councilwoman Biancardi stated I think there was one line that referred to an unsafe building fund, not necessarily spelling it out like this new ordinance. Councilman McGraw made a motion to set a date for a public hearing in March for the Unsafe Building Ordinance. Councilwoman Bozak seconded the motion. Councilwoman Bozak – Aye, Councilwoman McHargue – Aye, Councilwoman Draves- Aye, Councilman McGraw- Aye, Councilwoman Biancardi-Aye.

Motion passed.

Good of the Order and Any Other Business

Adjournment

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

There being no further business to discuss, the meeting concluded at 7:51 p.m.

TOWN COUNCIL OF THE
TOWN OF BURNS HARBOR

Toni Biancardi, President

Jennifer McHargue, Vice-President

Lisa Draves

John (Jack) McGraw

Roseann Bozak

ATTEST:

Nick Loving
Clerk-Treasurer