

Burns Harbor Town Council
Regular Meeting
February 14, 2024

The Town Council of the Town of Burns Harbor, Porter County, Indiana met in its regularly scheduled session on Wednesday, February 14, 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, Global Engineering Jeanette Hicks, Global Engineering Hesham Khalil, Town Marshal Jeremy McHargue, GM/Street Superintendent Brandon Downey, Interim Fire Chief Ryan Nowacki, Building Commissioner Charles Hansen, Park Board President Kylan Tumblin, and Interim Sanitary Superintendent Adam Friday.

Approval of Minutes:

Councilwoman Bozak made a motion to approve the meeting minutes of January 10, 2024. 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 executive meeting minutes of February 12, 2024. Councilman McGraw seconded the motion. Councilwoman Bozak – Abstain, Councilwoman Draves – Aye, Councilman Jordan – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

Reports:

Councilman Jordan informed the Council that Clerk-Treasurer Jordan was recognized for perfect attendance while serving as the Town's 2023 Northwest Indiana Regional Planning Commission (NIPRC) representative.

Councilwoman Bozak informed the Council that she is been in communications with the Girl Scouts about the possibility of their Troup creating a Burns Harbor Micro-Pantry and will continue to report its progress.

Councilman McGraw informed the Council that he has been in communications with Cleveland-Cliffs about getting mill passes for staff to do inspections.

Councilwoman McHargue informed the Council that Councilman Jordan and she are going to switch liaison roles. Councilman Jordan will be liaison for the Street Department and Councilwoman McHargue will be liaison for the Park Department.

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. Councilwoman Bozak informed that she and Councilwoman McHargue are schedule to do a mill walk through. They will see if they can speak to about the matter.

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

Councilwoman Bozak asked if the Town is sure there is no car wash operating at the car dealership. GM/Street Superintendent Downey stated me and Adam (Friday) went by back there and they had a sign up and everything. No signs of water draining out of it. As far as I know. Maybe we can check up on it again soon.

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GM/Street Superintendent Downey informed the Council Higgin's Door Company finished installing the garage's new doors. The Building Commissioner's office water damage restoration is complete and office is in working order.

GM/Street Superintendent Downey asked who owns the property on Oak Leaf Lane that the trees discussed at the last month's meeting are on. Clerk-Treasurer Jordan informed the property belongs to Cleveland-Cliffs. Council discussed who is responsible for removal of the trees, who is responsible for maintaining the property, and that Attorney Patton is working on get the property deeded to the Town. Clerk-Treasurer Jordan stated that if Brandon (GM/Street Superintendent Downey) would email photos of the trees, she would forward them to the government affairs contact I have and see if we can't get them involved saying it is a safety issue. Attorney Patton stated that is a good idea. GM/Street Superintendent Downey stated I'll do that tomorrow.

Councilman McGraw asked if the old garage doors that were replaced were going to be taken away by the door company. GM/Street Superintendent Downey informed that the Street Department scrapped some of them and saved some for the Fire Department to practice cutting drills.

Councilman McGraw commended GM/Street Superintendent Downey for his work on the Building Commissioner's office.

Town Marshal McHargue informed the Council of a call to Lakeland Park for a disturbance on the ice, which appeared that someone could have fallen through the ice on the lake. It is a spring fed lake and therefore never completely freezes over. Warning signs are posted in the park prohibiting ice fishing. Town Marshal McHargue thanked the Burns Harbor Fire Department and all other agencies who responded for all their assistance and efforts.

Town Marshal McHargue informed the Council that Corporal John Carnahan took a report of an oversized load vehicle that hit the bridge underneath I94, causing the ramp to be closed for several days. Although it was an unreported crash, Corporal Carnahan was able to track down the semi that struck that bridge, which he forwarded to INDOT. There is potential structural damage to that bridge, which will probably require closures when repaired.

Town Marshal McHargue informed the Council that a purchase order was approved for Corporal John Carnahan to attend training in March. Councilwoman Bozak made a motion that the Town approves travel expenses for Corporal Carnahan to attend training in an amount not to exceed one thousand dollars. Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman Jordan – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Abstain. **Motion passed.**

Town Marshal McHargue asked the Council if they want to do a closed bid auction for the 2015 Ford or use it as a trade-in. After discussion on trade in value versus selling in auction, preparing the vehicle for sale, putting a minimum bid on auction, the Council directed Town Marshal McHargue to request a trade-in value from the dealer before they decide.

Town Marshal McHargue asked the Council if he could initiate a full hiring process to fill the department's vacancy. The Town may need to send them to the Police Academy; requiring completion within one year of hire date. In addition, SB129, if adopted, would allow cities and towns to seek reimbursement for training and employment expenses for up to three years from completion of the Indiana Law Enforcement Academy if they were to leave town employment.

Council discussed the cost to send someone to the academy and number of applicates received in last hiring process, Councilwoman Bozak made a motion that the Town opens a full hiring process to fill the open full-time Deputy Marshal position. Councilman Jordan seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman Jordan – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Abstain. **Motion passed.**

Interim Fire Chief Nowacki informed the Council the fire station's west door was repaired, painted and re-installed, thanks to Adam Friday. The Department is waiting on a part for

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the ladder truck, which is also in need of new tires. After discussion of cost, need to replace all of the truck's tires, a quote for those tires, and the need to install a step on the ladder truck to assist firefighters exiting the vehicle, Councilwoman Draves made a motion that the Town pays for the purchase of the fire department tires and steps from the County Economic Development Income Tax (CEDIT) Fund. Councilwoman Bozak seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman Jordan – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

Interim Fire Chief Nowacki asked the Council if they are planning to sell the ambulance. After discussion on previous closed bid attempts, interest from Northwest Health and City of Hobart, the process of municipal entities selling and buying property from each other, Council directed Interim Fire Chief Nowacki to reach out City of Hobart and other communities and report back.

Interim Sanitary Superintendent Friday informed the Council the Department completed inspections, air release work will be done tomorrow, phone line for lift station number four was repaired, fog at the mill caused the influx of flow at the mill. The flow was not coming from the Town.

Global Engineering Hesham Khalil explained in the past, an electric meter at the mill was froze. The Town has since replaced those meters with open meters. That was relayed to the Mill and they have someone on staff that is going to calibrate the meters.

GM/Street Superintendent Downey informed the Council that everything is up-to-date on the MS4 and he is inquiring about street sweeping for the Spring and Fall.

Park Board President Kylane Tumblin informed the Council that the General and Spectacular Egg Hunts are scheduled to begin at 2:00p.m. on March 16th. People interested in volunteering to help during this event should contact Park Director Burton. Lakeland Park was selected to be part of the Duneland Rebuilding Together on April 27th; more information to follow.

Redevelopment Commission President Bozak informed the Council that the Town is moving along with the trail work and awarded a construction bid to Gariup Construction Company. The Redevelopment Commission continues to work with the Park Board on their Master Plan.

In absences of a Shared Ethics Advisory Commission Representative, Clerk-Treasurer Jordan informed the Council that the Town received a department head training save the date notification for May 31, 2024.

Correspondence:

IDEM – Notice of approval TV Significant Source Modification for Cleveland-Cliffs Burns Harbor LLC

IDEM – Notice of approval MSOP Administrative Amendment for PVS Technologies Inc. Burns Harbor

IDNR – Certificate of approval of a construction permit to dredge along the east dock wall for Cleveland-Cliffs Burns Harbor

Porter County Board of Elections & Registration – Vote center use agreement for 2024 election cycle

Councilwoman Bozak made a motion that the Town allows Porter County Board of Elections & Registration to use the Town Hall as a voting site on May 7, 2024 and November 5, 2024. Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman Jordan – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

Council consensus was that Clerk-Treasurer Jordan complete the memorandum of understanding and return it to the Election & Registration Board.

Presentations, Resolutions, Ordinances and Remonstrance:

None.

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New Business:

Staff anniversary recognition:

Council recognized and thanked Tim Lucas for his 10 years of service to the Town.

2023-02 Community Crossing Matching Grant bids:

Global Engineering Hesham Khalil explained to the Council that some sections of South Babcock Road are listed in INDOT's inventory as Bowser Road. The Town's grant application needs to reflect that INDOT inventory.

Global Engineering Hesham Khalil explained to the Council that starting in 2024, the State has increased the Community Crossing Matching Grant maximum award to one point five million dollars (\$1.5M) per year. If the Council chooses to do so, they need to allocate those roads before July. Although some drainage projects can be done as part of a road asphalt project, it can only be as an incidental project not the main project. The Haglund Road drainage pipe appears to be in better shape than first thought. The Stormwater Board is waiting for access to a camera to run the pipe.

Councilwoman Bozak asked if the grant funds can be used for sidewalks down Haglund Road.

Global Engineering Hesham Khalil explained the grant funds cannot be used for new sidewalks, only minor work to existing sidewalks affected as part of the road project. The grant is strictly for paving of roadways.

Global Engineering Hesham Khalil explained to the Council that the main paving contractors in the area has requested that the Town extend the bid date for the CCMG 2024-2 project to better prepare their bids.

Councilwoman Bozak made a motion that the Town extends the Community Crossing Matching Grant 2024-2 bid due date and authorizes Council President McHargue to sign the winning bid if the bid does not exceed the grant awarded amount. Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman Bozak – Aye, Councilman Jordan – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

Employee handbook revisions:

Clerk-Treasurer Jordan explained the contract the Town has with New Focus HR who updates the town employee handbook and the latest recommended federal required policy changes.

Councilwoman Bozak made a motion that the Town adopts the revisions to the town employee handbook dated February 14, 2024. Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman Bozak – Aye, Councilman Jordan – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

Duneland Exchange Club April is Child Abuse Prevention Month:

Council consensus was to allow that child abuse prevention banners to be placed at the same locations as previous years; the northwest corner of US 20 and North Babcock Road and the northwest corner of US 20 and State Road 149.

Police 77 pension plan:

Councilwoman Draves asked if a contract could be drafted requiring employees to repay some of the money paid out to their pension if they were to leave to go to another department.

Attorney Patton explained he did not know that answer right now, but if I had to guess I would think that answer would be no. I don't think we could put that condition on everyone who is an at-will employee. Your contracted employees are independent contractors like me and others.

Councilman Jordan asked if the proposed legislation to recover costs for training would apply to the pension.

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Attorney Patton explained that would be pursuant to a state law being debated and discussed that is not final.

Town Marshal McHargue explained that is specific to expenses incurred for sending someone to the police academy.

Councilwoman McHargue asked if other departments have employment contracts.

Town Marshal McHargue explained he was aware of one department that has employment contracts relating to sending people to the academy and their expectations post academy similar to what this senate bill would be.

Town Marshal McHargue explained the police board would not have to meet monthly and explained the board's responsibilities.

Councilman Jordan explained he supports making the move over to the 77 Fund, but has a little hesitancy with the dollar amount that it would require to bring everyone up to their current years of service. Not the bring them up, but the dollar amount. It is quite a bit of money.

Clerk-Treasurer Jordan gave the Council examples of where they could pull the money to pay for the officers' years of service, suggesting multiple Funds instead of one. The Council would need to do an additional appropriation no matter where they chose to pay from, if they chose to pay for the service years.

Councilman Jordan asked if paying for service years could be done over more than one year. What is preventing the Town from purchasing fifty percent of the service years now and then next year or the year after purchasing the other fifty percent? Does it have to happen all at once?

Town Marshal McHargue explained I think the longer it waits the more costs that are going to incur. The money that is deposited in this account, INPRS has it invested in a way that it is earning money. That is why they are able to build this account, so I think the longer we wait the cost is going to be higher.

Town Marshal McHargue explained that the Town had six months to act on the numbers that were provided to the Town on October 24, 2023, so April 24, 2024 would be the six month cut off to use those numbers. There are ordinances and resolutions that need adopted by the Council.

Attorney Patton explained that the Council could adopt the resolution electing to join the 77 Fund and could adopt the ordinance to create the oversight board shortly thereafter.

Councilman Jordan explained there would be about \$4,800 recurring cost increase in what the Town pays now. If the oversight board was paid it would be more.

Town Marshal McHargue explained as far as the cost we would incur this year, that could be covered in my budget based on the gap of employment we currently have. In addition, there are different requirements that our staff would have to go through to be members of the 1977 Fund as opposed to the PERF Fund that we are currently members.

Council consensus was to move forward with having Attorney Patton and Town Marshal McHargue work to prepare the resolutions to join the 1977 Fund and create an oversight board.

Councilwoman Bozak made a motion that the Town approves the police department's move forward with their pre-1977 Fund physical and psychological tests in an amount not to exceed \$3,500.00. Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman Bozak – Aye, Councilman Jordan – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Abstain. **Motion passed.**

Town Marshal McHargue informed the Council that members of the police board are required to be bonded.

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Assistant (Deputy) Fire Chief pay:

Clerk-Treasurer Jordan explained that a Deputy Fire Chief paid by the Town is a new position and would need to be added to the town's salary ordinance.

Council discussed the newly created paid part-time Deputy Fire Chief salary, hours worked would be between twenty and thirty hours in the Fire Chief's absences and the job title would include a cellphone allowance.

Councilwoman Bozak made a motion that the Town adds a paid part-time Deputy Fire Chief monthly salary of \$1,140.00 and a cellphone allowance to the Town's Salary Ordinance and pro-rate February starting February 14, 2024. Councilman McGraw seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman Jordan – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

Volunteer Fire Department Incorporation communications:

Councilman Jordan explained he requested this matter be added to the agenda several weeks ago. Since then, Attorney Patton has asked that Councilwoman Draves and Interim Fire Chief Nowacki meet to discuss the matter. He was good with that.

2024 Trash contract:

Councilwoman McHargue informed the Council that Councilman Jordan and she meet with Republic Services to discuss a 2024 contract. The Town's previous contract expired on December 31, 2023. The proposed trash and recycle contract extension would be for two years with 2024 being \$20.26 per residential unit and 2025 being \$21.42 per unit. If the Town were to request a new contract, the rates would be more.

Councilman Jordan explained to the Council that he spoke to a couple other trash service providers with the idea of getting a quote from them. After some discussions, they pretty much said they cannot compete with Republic Services' price. The percentage of increase we are experiencing per year is better. Some people are getting five and seven percent increases.

Councilwoman McHargue explained that Republic Services would be sending a new 2024-2025 contract listing the rates previously quoted.

Councilman Jordan made a motion that the Town approves the 2024-2025 contract extension and allows Councilwoman McHargue authority to sign the contract once it arrives. Councilwoman Bozak seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves- Aye, Councilman Jordan – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

Clerk-Treasurer Jordan explained to the Council that Republic Services billed the Town for April 2023 and May 2023 services. The Town paid those invoices. On the Town's June 2023 invoice Republic back billed the Town for mobile home counts for April and May. Mobile home counts were previously not built into the house count and therefore not billed to the Town since the original contract with Able Disposal, which has since been extended each time it expires to this day.

Councilwoman McHargue explained that Republic Services wants the Town to pay that balance due. If the Town does not pay, they will increase our per unit cost to recoup that balance due.

Councilwoman Bozak made a motion that the Town pays the additional charges from 2023 to Republic Services. Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves- Aye, Councilman Jordan – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

Approval of January 2024 financial report:

Councilwoman Bozak made a motion to approve the January 2024 financial report. Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves- Aye, Councilman Jordan – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

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Approval to pay vouchers with 3 or more signatures:

Councilman McGraw moved to approve vouchers with three or more signatures.

Councilwoman Bozak 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:

Town Marshal McHargue informed the Council he has been in email communications with Circle “R” Electric who has indicated since it is a complex installation it may take up to three days and they will be interrupting service at the Town Hall and Fire Department for most of a day. The work is scheduled for either Thursday or Friday of next week.

Clerk-Treasurer Jordan informed that a building closure notice will be posted on the front door and town website.

Councilwoman Draves requested she be contacted if the generator install is not completed as scheduled.

2024 Financial advisor service contract:

Councilwoman Draves made a motion that the Town approves the 2024 financial services contracts with Baker Tilly Municipal Advisors, LLC and authorizes President McHargue to sign on the Town’s behalf. Councilwoman Bozak seconded the motion. Councilwoman Bozak – Aye, Councilwoman Bozak – Aye, Councilman Jordan – Aye, Councilman McGraw – Abstain, Councilwoman McHargue – Aye. **Motion passed.**

2024 Fire service contract:

Burns Harbor Volunteer Fire Incorporation President Adam Friday explained the draft contract was just presented to the members tonight. They have questions and would like to meet again. Consensus is they would meet on March 4, 2024 at 6:00pm.

Fill open Board seats:

Councilman McGraw explained a quote for cleaning service was submitted this evening and discussed some of the details. The Town’s previous cleaning contract was a weekly service at \$1,200.00 per month.

Council will take under advisement.

Good of the Order of the Community:

Councilman McGraw thanked Interim Fire Chief Nowacki and his firefighter who responded to his emergency call at his home.

Councilwoman Bozak informed that Phyllis Constantine submitted her resignation from the Burns Harbor Scholarship Board. Councilman Jordan explained that the Scholarship Committee handles their own personnel staffing. They accept and remove board members. Phyllis has been on the Board for a long time. He stepped down after twenty years and left it in her charge. I am willing to step back on Board. The paperwork was turned over to Councilman Jordan.

Councilwoman Bozak informed that people on social media are asking when the applications will be available. Councilman Jordan informed the applications are typically ready at the end of March and are due in June.

Councilwoman Bozak made a motion to adjourn. Councilman McGraw 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 9:12 p.m.

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Approved at March 13, 2024 meeting.

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

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