

Burns Harbor Town Council
Regular Meeting
March 12, 2025

The Town Council of the Town of Burns Harbor, Porter County, Indiana met for a Regular Meeting on Wednesday, March 12, 2025, at the Burns Harbor Fire Department 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 Nicholas Loving-----Present
Councilman John (Jack) McGraw -----Present
Councilwoman Jennifer McHargue --- Present

Michelle Watkins was present. A quorum was attained.

Additional Officials Present: Attorney Clay Patton, Building Commissioner Lawson, Town Marshall Jeremy McHargue, Fire Chief Ryan Nowacki, Park Board Member Kyla Tumblin, and Sanitary Superintendent Adam Friday.

Approval of Minutes:

Councilwoman Bozak made a motion to approve the meeting minutes of February 25, 2025. Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman McGraw – Aye, Councilman Loving– Aye. Councilwoman McHargue—Aye. Motion passed.

Reports:

Clerk-Treasurer

Clerk-Treasurer Migliorini stated First and foremost, thank you so much for your words of encouragement, cards, and the beautiful flower arrangement during this difficult time. The only other thing I have is that Deputy Clerk Parker and I will be out of town for an ILMCT Institute training from Sunday, March 16th, through Thursday, March 20th.

Town Council:

Nothing to report.

Town Attorney:

Nothing to report.

Town Engineer:

Absent

Building Department:

Nothing to report.

Street Department:

Superintendent Brandon Downey stated that with the warmer weather, we are getting ready for spring work, including getting the leaf vac ready to go. Our first day of brush pickup will be Monday, April 7, 2025, and our one-day spring leaf pickup will be on Tuesday, April 8, 2025. Roadway trash pickup will continue with the warm weather town-wide, and in April, we will be starting the salt shed construction, so we are excited about that.

Police:

Chief McHargue stated I would just like to recognize Kyle Poracky being promoted to Sergeant and Jordan Jacquez being promoted to Corporal. We are also offering our

initial employment to Dathan Bennett. I now have two officers who will need body armor ordered for them. Tim Lucas' is going to expire and our new officer Bennett will need it as well. In the past, we have done not to exceed \$1,500, so we are trying to explore a couple of other options to try and get that cost down. I am not anticipating them to exceed individually \$1,500. Councilwoman Bozak made a motion to approve the purchase of two sets of body armor, not to exceed \$1,500 each, and to be paid out of the CCD fund. Councilman Loving seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman McGraw – Aye, Councilman Loving – Aye, Councilwoman McHargue – Aye. Motion passed.

Chief McHargue stated that at the last Town Council meeting, we talked about the 2016 Ford Explorer that was involved in a collision. We got the estimates that were submitted to the Clerk-Treasurer, and they were reported to the insurance companies. We were given two options at this point. The first option is to total the car out. They are willing to give us \$8,475 plus additional costs for removing our equipment and contributing to the upfit of the new car. Option two is that they are going to give us \$1,500 less. So, that would be \$6,975 to keep the car and give us no contributions to this. My recommendation is to take option one. We take the \$8,475 plus the additional whatever we can negotiate to get for the decommissioning and output of the car. One estimate was \$7,969.25 to repair it. Gerber came in way under that at \$4,878.64 to repair it. The adjustor came in at \$6,146, which exceeds 70% of the value of the car. I don't know if we keep the car or if it will even be able to be put back into service as an emergency vehicle with a salvaged title. If the car was purchased from the CCD fund, then it will go back to that fund. If the car was purchased from the Police Department's budget, then it will go back there. Councilman Loving made a motion to authorize Chief McHargue to accept option one in the amount of \$8,475 plus the additional upfitting of the new car. Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman McGraw – Aye, Councilman Loving – Aye, Councilwoman McHargue – Abstain. Motion passed.

Chief McHargue stated the last thing is we talked a little bit last month about the phones, and I'm going to defer to Police-Clerk Watkins because she has done all of the work in the meetings with Nitco. Watkins stated that I received an estimate from Nitco and the monthly total for all departments would be \$671.60. There is a one-time installation fee of \$573.85. The phone system is internet-based, and there are different types of phones. The different phones will offer more or fewer extensions depending on what department they are in. With Frontier, we have had numerous issues where the phone service has gone down, and we must call them out to fix it. When we lost our fax machine, we called them and they told us it had something to do with the fire system. Councilman McGraw is working on getting something done for the fire system. So, I am not sure if that would have a different phone line for that. The \$671.60 would then be billed for each department, depending on their usage. Nitco would be cheaper than Frontier, which we are currently paying. A discussion was held regarding what types of phones each department would need. Chief McHargue stated it is about \$4,000 in savings across the board, so this would save the town a lot of money. Watkins stated that Nitco will come out and meet individually with departments to determine what kind of phones they will need, depending on their uses. Councilwoman Bozak made a motion to approve the change of phone company to Nitco. Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman McGraw – Aye, Councilman Loving – Aye, Councilwoman McHargue – Abstain. Motion passed.

Attorney Patton asked if there was a proposal in writing from Nitco. Watkins stated I have a quote. Attorney Patton stated we need to do some more due diligence and educate ourselves to make sure that everything is going to mesh with sanitation. Is there a deadline for this, or a reason we cannot wait until next month? Councilwoman Bozak stated I think we just want to start saving now. Chief McHargue stated the lift stations don't have internet, so that bill can't be combined with this service because they don't have the ability. Attorney Patton stated we need to verify with the Park Department that this will be compatible.

Councilwoman Bozak made a motion to amend her motion to approve moving forward with getting information from Nitco for all of the offices and giving a written contract to review at the next Town Council meeting. Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman McGraw – Aye, Councilman Loving– Aye. Councilwoman McHargue—Abstain. Motion passed.

Fire:

Chief Nowacki stated we had 26 calls for February. The only other thing I have to report is our 2019 E1 fire engine is scheduled to go in for bodywork on March 19th, and they weren't able to give me a time frame on how long it would be out of commission. I just want to make sure that is okay with the Town Council to have that sent out. We will still have our ladder truck, but if that were to go out of service at the same time, that would be our biggest concern. There are options to have a loaner engine, but that would average around \$300 a day. Councilwoman Draves asked if there was a reason they could not give a time frame. Chief Nowacki stated, I think scheduling is very challenging in that shop because they run into other issues with our vehicles that we were not aware of. The other part of the repairs is for the damages that happened when the truck clipped the gutter of the Building Department. We were able to encumber funds from last year's budget to cover that, which makes me a little concerned about the cap that I ordered for the new Chief buggy that was supposed to be covered out of that. I think it will be okay though. The Police Department's part-time officer Hunter Cassoday has been installing the lights, sirens, and wiring on the new truck. Everything is going as planned and looks good.

Councilman McGraw asked where we are at with the ambulance. Chief Nowacki stated I have a maintenance report from Hoosier Diesel compiling the parts list of things we can do in-house before we get into deeper things. So, there is no major movement on that front, but it is in process. I don't want to get too deep into it and then realize there is no funding for those repairs. I'm not 100% certain yet of the total expense.

Sanitation:

Superintendent Friday stated this past month we did 268 hours working in Sanitation and we flooded about 1.6 million gallons of waste to our plant. The F250 has been driven 98 miles through town. We did 82 locates for the month, 40 non-permitted required to find spaces. We finally have a signed contract with Cender/Dalton for a sewer rate study. The Sanitation Department is handling that. We are scheduling our annual lift station inspections, so I am waiting for when they will be available to do that. We have had a few emergency callouts with our recent power outages, and that was at lift stations 1, 2, 3, and 4. We have scheduled our spring cleaning to begin on April 17th through April 20th. Maintenance was completed on all three generators for the Sanitation Department. I will be out of town from April 5th through April 12th.

Superintendent Downey stated that paperwork is in the works for our spring street sweeping. The paperwork is getting processed right now, and I will have a PO by the next Town Council meeting.

Connie Sikora- 1250 Coan Street- Sikora asked if the lift stations have generators. How do they lose power? Superintendent Friday stated no, only one lift station has a permanent generator. For the others, we have a generator on trailers that we have to take there. Number 2 is the most important lift station. Sikora said Thank you for clearing that up, I just did not understand.

Councilman McGraw asked Superintendent Friday about the POs that come through the Clerk-Treasurer's office. I noticed some of them have repairs on the list, but it doesn't have the number of the lift station. Is there a reason why that isn't listed? Superintendent Friday stated that sometimes it is a couple of lift stations, so I do not specify which one it is. Councilman McGraw stated it would be helpful if it at least identifies which lift stations are being worked on, because when you look at them at the

end of the year, you can see how much you spent on problems of a certain lift station. So, if we could add what lift station numbers, that would be appreciated. My other question was that there were a couple of business license companies that do work for the Sanitation Department, are those all up to date now? Friday stated yes.

Stormwater:

Nothing to report.

Park:

Tumblin stated on April 13, 2025, at 2 PM, we have our spectacular easter egg event, along with our general easter egg hunt that will be happening at 2 PM sharp. The spectacular easter egg hunt is a high event that is free to children with special needs and their families. The age group for the general easter egg hunt is for children under the age of 12. Also, the park is excited to announce that Lakeland Park is one of this year's community projects for Rebuilding Together Duneland. This will take place at the park on Saturday, April 26, 2025. If anyone would like to volunteer, please contact the park director for more information. We clean up, replant, paint, and so much more. Councilwoman Draves asked when the structure at the park is going to be completed by the Chesterton High School. Tumblin stated I believe it will be completed by the end of the school year. It is coming along very nicely.

Redevelopment Commission:

Councilwoman Bozak stated work is moving along on the trails. We got information from the National Parks that their environmental team is going to be starting soon, so we are moving and working.

Shared Ethics:

Neil Stout stated our train-the-trainer is scheduled for April 22, 2025. I just invited Portage if they are interested in sending some people over. So, that will give us a few more people if they decide to do that.

Correspondence:

Nothing to report.

Public Hearing:

Councilwoman McHargue opened the Public Hearing at 7:39 PM.

Councilwoman McHargue stated this amount is needed to cover the 27th payroll for 2025. Clerk-Treasurer Migliorini stated it came out to be about \$8,000, and I would make the additional appropriation for the 10% that is allowed for the Town ordinance for rainy day. I know we are going to be doing a lot of work at the Town Hall, and figured \$8,000 might not hurt to have in the bank, just in case. If we do not use it by the end of the year, it will go back into the general fund or go back into that fund at the end of 2025.

Notice to Taxpayers of Additional Appropriation-Rainy Day Fund

ADDITIONAL APPROPRIATION ENACTMENT 2012-21

WHEREAS, it has been determined that it is necessary to appropriate more money than was appropriated in the annual budget;

NOW, THEREFORE;

Sec. 1. BE IT ORDERED (resolved) by the Town Council of Burns Harbor, Porter County, Indiana that for the expenses of the taxing unit, the following additional sums of money are hereby appropriated out of the funds named and for the purpose specified, subject to the laws governing the same:

RAINY DAY FUND	
245001392	\$ 67,907.44
TOTAL FOR RAINY DAY FUND	\$ 67,907.44

ADOPTED this 12th day of March, 2025

AYE	NAY

ATTEST:

Nicole M. Migliorini
Clerk-Treasurer

Councilman Loving made a motion to adopt the Additional Appropriations Rainy Day Fund in the amount of \$67,907.44. Councilwoman Draves seconded the motion. Councilwoman Bozak- Aye, Councilwoman Draves- Aye, Councilman McGraw- Aye, Councilman Loving- Aye, Councilwoman McHargue- Aye. Motion passed.

Councilwoman McHargue closed the Public Hearing at 7:41 PM.

Presentations of Resolutions, Petitions, Communications, Ordinances and Remonstrance:
None

New Business:

Staff Anniversaries:
Councilwoman McHargue stated Brandon Downey has been with the town for 6 years this month.

Bosak Ford Assembly Permit:
Councilwoman stated this is an application for a car show that they want to have. They need a signature from the Town Council President and Clerk-Treasurer. The car show is scheduled for May 2, 2025, from 6-10 PM. The maximum number to be expected is 100 people. Councilman Loving stated I was at this event last year, and it was wonderful. Attorney Patton asked Chief McHargue if he had to have extra security or traffic control last year. Chief McHargue stated they are going to do the same thing as last year, which is to pay two of my officers off duty to provide security there in addition to our regular patrol. There were no issues last year. Attorney Patton asked if they were going to be serving food, drinks, and alcohol. Chief McHargue stated, to my knowledge, there will be no alcohol. Councilman Loving made a motion to authorize Town Council President Jennifer McHargue and Clerk-Treasurer Nicole Migliorini to sign the permit for Bosak Ford. Councilwoman Draves seconded the motion. Councilwoman Bozak- Aye, Councilwoman Draves- Aye, Councilman McGraw- Aye, Councilman Loving- Aye, Councilwoman McHargue- Aye. Motion passed.

Approval of February 2025 Financial Report:

Councilwoman Draves made a motion to approve the February 2025 Financial Report. Councilman Loving seconded the motion. Councilwoman Bozak- Aye, Councilwoman Draves- Aye, Councilman McGraw- Aye, Councilman Loving- Aye, Councilwoman McHargue- Aye. Motion passed.

Approval to pay vouchers with 3 or more signatures:

Councilman Loving made a motion to approve vouchers with three or more signatures. Councilwoman Bozak seconded the motion. Councilwoman Bozak- Aye, Councilwoman Draves- Aye, Councilman McGraw- Aye, Councilman Loving- Aye, Councilwoman McHargue- Aye. Motion passed.

Approval of purchase orders submitted with 3 or more signatures:

Councilwoman Draves made a motion to approve all purchase orders submitted to the Council with three or more signatures. Councilman Loving seconded the motion. Councilwoman Bozak- Aye, Councilwoman Draves- Aye, Councilman McGraw- Aye, Councilman Loving- Aye, Councilwoman McHargue- Aye. Motion passed.

CSX Agreement:

Councilwoman McHargue stated I received an email regarding our CSX utility agreement that has expired. Attorney Patton stated these are amendments to a current agreement with CSX for essentially the access to the sanitary. They want to renew these again for another 25 years. This is renewing the agreement from May of 2024 to May of 2049. Councilwoman Draves made a motion to approve Town Council President McHargue to sign the CSX agreement. Councilman Loving seconded the motion. Councilwoman Bozak- Aye, Councilwoman Draves- Aye, Councilman McGraw- Aye, Councilman Loving- Aye, Councilwoman McHargue- Aye. Motion passed.

Councilwoman McHargue stated Commissioner Lawson would like to talk about KLLM. Commissioner Lawson asked Attorney Patton if he thought the Town had a favorable chance of winning the case. Attorney Patton stated that KLLM received a variance years ago to have up to 200 storage containers. In the past, they have paid the fee for one storage container of \$250. They have at least 200 plus. They have recently come before the Board of Zoning Appeals to seek that, but there has been some discretion. They are trying to whittle down their inventory to just get back to the 200. Commissioner Lawson has found that they have not been charged the \$250 per storage container. He is suggesting that we charge them, which would be in the amount of \$50,000. Commissioner Lawson stated the Town's Ordinance backs this amount up. The ordinance says word for word per container. There is already a precedent set in town with Linde; they acquire a variance, and every year they pay for all 7 or 8 containers that they have. KLLM is storing all its containers at the driving school. They recently sold 326 containers. Attorney Patton stated that if they do not pay the fee, I am going to have to spend time trying to try and collect it through various legal avenues. There is also a potential that they could be the ones coming at us legally, and they are the plaintiff, and the Town of Burns Harbor is the defendant. The Board of Zoning Appeals essentially did not move forward with setting a hearing on their request because KLLM said they were selling a lot of their fleet and just needed time to get it down to 200 storage containers. Councilman McGraw made a motion to allow the Building Commissioner to pursue the storage container fee of \$250 per container for KLLM. Councilwoman Draves seconded the motion. Councilwoman Bozak- Aye, Councilwoman Draves- Aye, Councilman McGraw- Aye, Councilman Loving- Aye, Councilwoman McHargue- Aye. Motion passed.

Building Commissioner Lawson stated KLLM is allowed 200 storage containers within their variance, but in the history of being in Burns Harbor, they have always had more than 200 containers. Attorney Patton stated since the ordinance was approved in 2021, they have always had at least 200 containers. A discussion was had regarding the storage containers.

Councilwoman McHargue asked Commissioner Lawson to give an update on Rig Doctors. Commissioner Lawson stated, after reviewing all of the files on this, I reassessed the fines that Commissioner Hansen imposed for that. I asked Attorney Patton if we could assess the fines to the lessee because it looks like there is an admission of guilt via email that they are admitting that they violated the excavation permits, and they knew they did. Commissioner Hansen tried to follow up with them on that, and we have proof of that. Those fines are around \$10,000 for Rig Doctors, so I wanted to cut that in half and go after that because I don't know if there is a statute of limitations on that. The other part was them running an illegal business. Trucks are coming in and out of there at night, and they have a bunch of vehicles stored there that probably don't run. I would like to handle this first part as soon as the town wants to pursue going after the findings that have been reassessed. Attorney Patton stated how much the Town of Burns Harbor wants to pay me to chase after something, especially since this is a leaser. Commissioner Lawson stated that we have pictures and documentation proving that he violated the excavation. A discussion was held regarding Rig Doctors. Attorney Patton stated that my suggestion is to reach out to Ruben Gonzalez, who violated the ordinance, and let him know that if he is not responsive that it will be turned over to legal counsel, and there might be additional fees for that.

Building Commissioner Lawson stated the other property I wanted to discuss was 280 Melton Road, Jim's Auto, which is owned by Gabriel Mihut. There was a Board of Zoning Appeals decision that read there was to be no long-term storage and no boats. That was from March 28, 2023. We have had multiple complaints, and when I spoke with the owner, he got belligerent and angry. After reading the Indiana code, I gave him a \$750 fine, and when he received the fine, he moved the items. But he never paid the fine, so it could go to collections. A discussion was held regarding collections. Attorney Patton asked if it was too late to file a lien on the property. Commissioner Lawson stated this was recent, so I am sure that can be an option. Councilwoman McHargue asked Commissioner Lawson how many times he has sent the fine notice. Commissioner Lawson stated that I sent him a notice of fine via email, and we got the certified mailer back, so I know he received it. After that, I spoke to him on the phone, and that is when he got angry and hung up on me. Attorney Patton stated that if you just want to reach out to him and let him know if the fine is not paid within so many days that it will be turned over to the town attorney for further legal proceedings.

Building Commissioner Lawson stated I have an estimate from an audio company for the new conference room. His markup was \$1,354. I asked him if he would still do the installation and if the town could handle the rest to knock off that \$1,354. He said yes. If we bought the stuff from Amazon, the total would be \$6,380.25, which does not include the three TVs we would need. That also includes him teaching us how to use the system. A discussion was held about the audio and visual system. Councilman Loving made a motion to authorize not to exceed \$6,500, conditional on the product being warranted if we buy it ourselves, or \$8,000 if it is not warranted. Councilwoman Bozak seconded the motion. Councilwoman Bozak- Aye, Councilwoman Draves- Aye, Councilman McGraw- Aye, Councilman Loving- Aye, Councilwoman McHargue- Aye. **Motion passed.**

Good of the Order of the Community:

Connie Sikora- 1250 Coan St. Sikora stated we moved here in November of 2022 and we don't want to complain about the bike trail, but not only have we lost our privacy, but now our property is flooding. The trail has stopped the natural flow of the water from our property. The water pools and has no place to drain. We know town officials came out last November, but we are not aware of any further actions. The flow of the water has always gone to the west, where the bike trail is now. We are interested in knowing who we need to speak to about getting some kind of relief from this problem. Commissioner Lawson stated I can give a little bit of an update on this. I spoke with Shem Khalil, our town engineer, and he is in discussion with the people responsible for building the trail and trying to work out all of the realities of that situation. He is compiling information on that and we are waiting for an update from him as to if there is any responsibility on

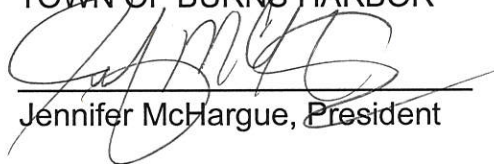
someone. He will probably make a recommendation to the Town Council once he is done.

Councilman McGraw stated this Friday, March 14, 2025, the generators will be worked on. I did send out an email to all department heads as well as the Town Council. It is set to start at 6 a.m. and Town Hall will be closed until about noon.

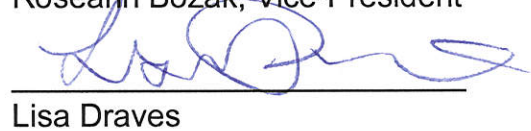
Councilwoman Draves made a motion to adjourn. Councilman Loving seconded the motion. Councilwoman Bozak- Aye, Councilwoman Draves- Aye, Councilman McGraw- Aye, Councilman Loving- Aye, Councilwoman McHargue- Aye. Motion passed.

There being no further business to discuss, the meeting concluded at 8:49 p.m.

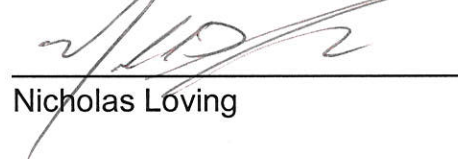
TOWN COUNCIL OF THE
TOWN OF BURNS HARBOR


Jennifer McHargue, President

Roseann Bozak, Vice-President


Lisa Draves

John (Jack) McGraw


Nicholas Loving

ATTEST:

Nicole M. Migliorini
Clerk-Treasurer