

The Town Council of the Town of Burns Harbor, Porter County, Indiana met in its regularly scheduled session on Wednesday, April 9th, 2025 in the Town Hall and streamed electronically with YouTube. 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 ----- Absent
 Councilwoman Lisa Draves ----- Present
 Councilman Nicholas Loving-----Present
 Councilman John (Jack) McGraw -----Present
 Councilwoman Jennifer McHargue --- Present

Clerk-Treasurer Nicole Migliorini was Present. A quorum was attained.

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

Approval of Minutes:

Councilwoman Draves made a motion to approve the meeting minutes of March 12, 2025. Councilman Loving seconded the motion. Councilwoman Draves – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye. Councilman Loving—Aye Councilwoman Bozak- Absent Motion **passed**.

Councilman McGraw made a motion to approve the special meeting minutes of March 12, 2025. Councilman Loving seconded the motion. Councilwoman Draves – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye. Councilman Loving—Aye Councilwoman Bozak- Absent Motion **passed**.

Reports:

Clerk-Treasurer:

Clerk-Treasurer Migliorini said that she wanted to remind department heads that there are credit cards that are still checked out. Th cards need to be checked back in as soon as the purchase is complete per the credit card agreement. We also have a couple of POs that are over-budgeted or went over. One was for Fire service that went over a bit. Migliorini aske Chief Nowacki if this was the PO that was taken out of 444, but we are going to end up taking it out of 392. Nowacki asked what the PO was for. Migliorini responded that it was for an engine oil leak. Nowacki said that it had been an emergency. He had to approve him to repair the engine before he was able to get a purchase order. More issues were found with the vehicle, and he believes this is why it went over. Migliorini said that she needed the approval for the balance of \$2,697.92.

Councilman Loving made a motion to approve the overage for the balance of \$2,679.92. Councilwoman Draves Seconded the motion. Councilwoman Draves – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye. Councilman Loving—Aye Councilwoman Bozak- Absent Motion **passed**.

Migliorini stated that there was another PO from Lindco which she previously had spoken about with Councilman Loving on the phone. The PO went over by \$743.64. She said that she needs approval to pay the overall balance of \$4,368.57. That was coming out of 6326 and 6321 for MVH.

Councilman Loving made a motion to approve the overage for the balance of \$4,368.57. Councilwoman Draves Seconded the motion. Councilwoman Draves – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye. Councilman Loving—Aye Councilwoman Bozak- Absent Motion **passed**.

Migliorini continued that for Henn & Sons, the initial purchase order that came out of ARP was for \$56,000. There were amendments made to that purchase order later at a council meeting where the brick was changed in the front. With that, we are now over \$18,603. I would recommend, to cover the difference, we us either CCI or TIF. If she uses CCI, we

will need to do an additional appropriation. The TIF funds are already appropriated, so council just needs to advise which direction to go in.

Councilman Loving made a motion to approve the over age in the amount of \$18,603 for Henn & Sons to be paid out of the TIF fund. Councilman McGraw seconded the motion. Councilwoman Draves – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye. Councilman Loving—Aye Councilwoman Bozak- Absent Motion **passed**.

Migliorini informed council that she received a handful of invoices from Global Engineering. She had forwarded the invoices via email to council, but also provided copies for the meeting. We have invoice 25-025 for CCMG which came in at the amount of \$2,865. Invoice 25-023 this was for the salt storage design project for \$4,585. For the general town council an invoice for \$7,555. There was also a general plan commission invoice for Putman Builders in the amount of \$1,110 for the Village.

Councilwoman Draves asked to see the copies of the invoices, which she and Councilman McGraw reviewed.

Councilman McGraw made a motion to approve the invoices that were presented. Councilwoman Draves seconded the motion for discussion.

Councilwoman Draves asked if all the invoices were for the Village. Migliorini replied that they were not, and each invoice had a description in the top-right corner. She asked if each invoice would be taken from separate accounts. Migliorini stated that the Plan Commission invoice would be taken out of the Plan miscellaneous services; the salt shed would come out of MVH miscellaneous services; CCMG would come out of RDC miscellaneous services; and the Town Council invoices would come out of Town miscellaneous services. End of discussion.

Councilwoman Draves – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye. Councilman Loving—Aye Motion **passed**.

Migliorini stated that her last item is the final invoice for the generator. She had to liquidate the PO for it, as the PO was two years old; so, there is no current PO for the generator. The final invoice is for \$25,075. Councilwoman Draves asked how much money had been initially set aside for the project. Migliorini said that she would have to go back into the archive to double check, but she should be able to find out. Councilman McGraw asked to clarify if this was a second payment or the total bill. He and Councilwoman Draves remember it being closer to \$50,000. Migliorini stated that the invoice is marked as the final invoice for removal of the existing generator, turn over to city officials on site, supply and install generator to have three full 100-amp breakers, reconnect the wires, and test run. Council looked over the invoice.

Attorney Patton said that he found an email from Nicole that said that she could not find the original PO through the system, and that it looked as though no payment has been submitted to Circle R. Discussion continued. Chief McHargue stated that the original PO was for \$48,795.00. Council wondered if a previous payment had possibly been made by the previous Clerk-Treasurer. Migliorini said that she could look at the archive from 2022 and find out. Councilwoman Draves asked if she would also be able to find out how much money had rolled over in previous years for the project. Migliorini said that she could. Draves asked where that money would have gone. Migliorini stated that it would have gone back into the general fund because it was liquidated.

Councilwoman Draves made a motion to approve payment to Circle R in the amount of \$25,075.00 for invoice 40941 to be paid from the general fund. Councilman Loving seconded the motion. Councilwoman Draves – Aye, Councilman McGraw – Abstain, Councilwoman McHargue – Aye. Councilman Loving—Aye Councilwoman Bozak- Absent Motion **passed**.

Council:

Nothing to report.

Town Attorney:

Nothing to report.

Town Engineer:

Nothing to report.

Building Department:

Councilman Loving asked Commissioner Lawson to go over the phone conversation that they had in relation to KLLM and their storage containers. Lawson stated that he had spoken with Mike Woosley in regards to those containers and how long it was going to take to remove all of them as Woosley said they would. Woolsey told Lawson it would be until September 1st. Lawson said that he has that statement in writing and noted that it would be 8 months out of the year. He said that he spoke with legal representation from AIM who told Lawson that we could charge them for that time of the containers being on the property. Lawson sent Woolsey an email and a letter asking him to pay the amount of \$37,500- which would be 8 months of fees for the shipping containers. He is waiting to hear back from them.

Travis Keppen who lives at 1248 Coan Street and owns the property at 1244 Coan Street asked if he could ask about the containers. He asked where they are and are not allowed in town. He had been asked a couple of years ago to get rid of his. He asked why some people can have them, and some people cannot. Lawson replied that businesses are allowed to have one shipping container, and shipping containers are allowed temporarily for construction or moving- per the town ordinance. Keppen asked if it was possible to contest that. Councilwoman McHargue said that he could get a variance through the BZA and prove your case.

Street Department:

Nothing to Report.

Police:

Chief McHargue stated that Porter County launched the Premier 1 CAD system, which seems to have some struggles on both the Police and Fire side with that. He said that one agency has already backed out of it. Dathan Bennett who had been approved at the last Police Commission meeting had just completed his physical agility test on March 22nd. The along with his other physical and psychological evaluations has been sent to the state medical board. We are currently waiting to hear back from them, and his expected start date is April 28th. Officer Vawter is still in the Northern Indiana Law Enforcement Academy. He is in Plainfield this week conducting his emergency vehicle operations training. He is due to graduate May 2nd. By the time of the next meeting, he will be back on the road and completing his field training. Throughout the month, Clerk Watkins has been working with Nitco regarding the previously spoken about phone contract and setting up meetings with all the departments to get a grasp of what was going on with that. All our officers completed firearms training in conjunction with the Porter Police Department. Chief McHargue and Clerk Watkins attended training at the Hobart Police Department in reference to access to public records requests.

He also stated that he had a quote from Brainstorm in the amount of \$2,377.19 for a laptop. Previously, Council had bought the Police Department one laptop per year. He also wanted to follow up regarding the Police Department having petty cash. It was talked about around six months ago. Draves asked how much petty cash the department would need. Chief McHargue said that it would just be needed to make change- whatever the other departments have would be sufficient. Draves asked Migliorini what could be done about getting the Police Department. Migliorini replied that she believes it would have to be in a resolution. Councilwoman McHargue asked if we would be able to get that resolution typed up and ready for the next meeting. Migliorini replied yes. Draves mentioned the laptop and asked if that could be taken out of the General Fund. Migliorini replied that it would be the General Police Fund. Chief McHargue stated that, if it were to come out of the Police Fund, they would not be able to buy it. He said that when the Town had paid for it was either out of CCD or CEDIT. Discussion continued.

Councilwoman Draves made a motion to accept the quote #1642 from Brainstorm Computers in the amount of \$2,377.19 for the Police Department to be paid from the CEDIT Fund. Councilman Loving seconded the motion. Councilwoman Draves – Aye, Councilman McGraw –Aye, Councilwoman McHargue – Abstain. Councilman Loving—Aye Councilwoman Bozak- Absent Motion passed.

The last item brought up was the discussion of the Nitco phone system. Fire Chief Nowacki stated that the only thing he was not sure of about it was what the breakdown is going to be monthly for the cost of the Fire Department. They have 10 phones in the

building, and Nowacki was told that each phone was going to be roughly \$26 monthly. Councilwoman McHargue asked him if they were going to replace all 10 phones. He replied no, he reduced it by two to get it around 80. Draves asked if we would be purchasing or renting the phones themselves. Chief McHargue said that the phones are supplied with the contract, so if a phone went bad, it would be replaced. It also creates upgrades in voicemail our voicemail systems. In the end, it is estimated to bring the phone bill from \$1,200 a month to something like \$600 a month. Draves stated that it would be \$671 a month and a one-time installation fee of \$573.85.

Councilwoman Draves made a motion to approve Council President Jennifer McHargue to sign the phone line contract for Nitco. Councilman Loving seconded the motion.

Councilwoman Draves – Aye, Councilman McGraw –Aye, Councilwoman McHargue – Abstain. Councilman Loving—Aye Councilwoman Bozak- Absent Motion **passed**.

Chief McHargue and Council thanked Clerk Watkins for all the work she had done for this project.

Fire:

Chief Nowacki said that he had forwarded the Council his monthly report. The Fire Department received 22 calls in the month of March. He noted that there are a couple of issues with the mileage on that report due to a couple of the vehicles being out of service. The Chevy Tahoe go traded in for the new Sierra which is still being upfitted for service. There is a PO for \$2,400 to finish the reflective striping on the vehicle. The Fire Engine is still in St. John. It was supposed to be wrapped up this week, but they had to sand it more than originally expected. By midweek next week, we should have it back. Today all our Self-Contained Breathing Apparatuses were serviced and flow-tested. All our masks were also tested. Both were in result of an approved purchase order from last month, and that has been completed. They had about \$5,000 in replacement parts that were all covered by the warranty. Chief Nowacki also mentioned that Councilman McGraw had previously asked about the ambulance. He stated that he is in the process of compiling a list of all the parts.

Nowacki also said that it will need Council's permission to decommission two cardiac monitors that were found while getting a drain repaired. He stated that no one in the Department is currently certified to operate them. These are advanced life support units and are very dangerous in the wrong hands. He reached out to a few institutions to see if they would like to receive them through donation for training services, but none were interested, as the units are very old. He stated that Deputy Chief Valpatic found a computer recycling facility in Portage where the units could be taken to be properly decommissioned. He said that he would rather do that than put them in an auction as the units are dangerous. Councilwoman McHargue said that Clerk-Treasurer Migliorini would need the serial numbers. Nowacki said that he would put that together with any paperwork he has. Attorney Patton asked if those units would have their own insurance policy, as normally for property we would have an insurance policy. Nowacki said that he believes that it would be under the umbrella of the main insurance policy, because it is part of the Fire Department's inventory.

Councilwoman Draves made a motion to decommission two of the Zol- E Series Cardiac Monitors with the serial numbers: AB05K000751 & AB10D014269. Councilman Loving seconded the motion. Councilwoman Draves – Aye, Councilman McGraw –Aye, Councilwoman McHargue – Aye. Councilman Loving—Aye Councilwoman Bozak- Absent Motion **passed**.

Sanitation:

Nothing to report.

Stormwater:

Nothing to report

Park:

Kyla Tumblin reported that the Easter Egg Hunt will be taking place this Sunday at Lakeland Park. Lakeland Park is also one of the sites for Rebuilding Together Duneland, which is happening on April 26th. June 5th, the Park is again doing Giving Thursday at the 219 Taproom from 4 to 8. Tips will go to the Park Foundation. She noted that she had

given Council a packet for the Corlin's Landing playground equipment. She said that the 2 pieces of equipment and shipping cost are in the packet and will be covered by the \$15,000 in donations that they have received. They will need help with the purchase of the special playground mulch and the plastic turf timber border. It is a total of \$7,680. She also stated that, in the future concerning the playground, we do need to install sidewalks and grade and seed the playground where the equipment will be. Regarding the timeline for the Corlin's Landing Park: in the spring, there will be a clean-up at the park property; then in the late spring/ early summer there will be the install of the playground equipment and picnic table; in the summer, the playground will be seeded around the equipment; and within the summer and fall the sidewalk will be installed.

Councilman Loving asked if Tumblin remembered a few years ago when the Town paid for a portion of the new equipment at Lakewood Park. Tumblin stated that the Park proposed equipment, but they wanted much larger equipment, and they contributed monies towards a bigger amount of equipment and the equipment across by the beach area. Councilman Loving asked Tumblin to wait one more month and come back with three tiers of playground equipment that is a little bit more than what is presented. Discussion continued.

Joseph Sikora of 1250 Coan street asked where Corlin's Landing is. Tumblin said that if you go down old Babcock Road behind the dealerships, you go over the railroad tracks, and it is the first right.

Redevelopment Commission:

Tina Rongers presented the report on behalf of Roseann Bozak. She stated that the Westport Site located just across the street is 20 acres. The RDC around 2015-2018 worked to assemble land at that site and purchase it from the Duneland School Corporation. The transaction was completed about 2018-2019. At the time we were working with a local developer to bring a town center development to that site. COVID hit, and the project leadership and funding capability of that developer changed, so the project did not move forward. In the last six months, there have been developers looking at the site for some residential-type use. One developer presented themselves to the Plan Commission; ultimately, they did not move forward with a proposal at the Westport site. We do have another developer interested in the site, and the RDC would like to enter a memorandum of understanding with the development firm to begin initial conversations on a development opportunity at that site. At this evening's meeting the RDC did review and approve the MOU. Rongers said that a copy of the document is before Council now. She asked that the Council consider this MOU to begin the review of the Westport site with this developer and that Council makes a motion to approve the Council President to sign this agreement along with the RDC President.

Councilwoman Draves asked how many lots it is. Attorney Patton said that this would not be any type of approval for the development. This document would be the first step in the process to transfer this property to the RDC from the Town Council. The RDC can then have the property appraised. It cannot be sold unless there is an average of two appraisals. A public notice would also be published to let it be known that one could make an offer for the site. It does not mean that this specific development will go there; other developers could propose other uses. If we wanted to utilize the provisions of Indiana Code to not only selling it- but developing it- this would be the first step. Patton and Rongers answered Draves' question that this developer is proposing 71 single family lots. Rongers also noted that there is also some retail space for something like a coffee shop or amenity of the sort.

Council President McHargue allowed Travis Keppen to ask a question. He asked if he understood correctly that they are considering selling that site to a developer. He said that he was under the impression that at one point in time there was going to be a Town Hall across the street. President McHargue stated that we still have 4 acres in the front, this site is further back. Patton said that this acre sits immediately on the corner of Haglund and State Road 49 and would still be owned by the Town. Rongers reiterated that the selling of the 28 acres is all still just a potential. This is just to begin a process; it is not an engineered concept. She said that there will be two tracks for this to go down. Once the developer is ready, they will bring a formal plan to the Plan Commission, and it will go through the normal steps that you are used to seeing with hearings and so forth. It would then make its way to Town Council. There is also a process with redevelopment in this

Town; which is, if the land needs to be sold to the developer, we take care of the administrative side. Discussion continued.

Councilman Loving asked Attorney Patton to define “good faith” citing section 3-B of the document. Patton said that it is what you think it is. The site is already zoned as residential. As far as utility connections, he would have to think that where it is on a major thoroughfare intersection, there would have to be connections. Loving asked what if they wanted to run an electrical line. Patton said that its to the property line- we do not have to run it. The property owner would be responsible for running it from the street to any connections.

Councilwoman Draves clarified that all that is being asked is to motion for Council President McHargue to sign the MOU to begin the process. Rongers replied yes. Patton said that the RDC already approved it and approved the solicitation of appraisals for the parcel.

Councilman Loving made a motion to authorize President McHargue to sign the MOU with Harbor Pointe LLC. Councilwoman Draves seconded the motion. Councilwoman Draves – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye. Councilman Loving— Aye Councilwoman Bozak- Absent Motion passed

Shared Ethics:

Neil Stout reported that on April 22nd we start our process with the Train the Trainer training. Chief McHargue and Clerk Watkins will be trained on how to deliver the training to our employees. We will be holding it in the Town Hall and will be hosting one person from Ogden Dunes and four people from Portage. He noted at the previous meeting that Council defined the training population as both full and part-time. The Clerk-Treasurer provided him with that listing of 34 employees in total. There may be less in the training. We have just begun to decide how many sessions and how we will schedule the employees in. Mr. Stout said that he has been advertising the shared ethics for boards and commissions, and he received an email from our training coordinator that stated that the coordinating team is a little behind in registration and to please reach out. He said that he wanted to clarify that the population for this training is the people who sit on the various boards and commissions. He said that he had asked Council to reach out to those people, but if they would like him to send the information to those people with a link to the registration, he would be more than happy to. He would only need their contact information. Council President McHargue asked if there was a cost. Stout replied no, dinner will also be provided. He said that because of our membership, we can all those employees- including the Council and himself. Councilman Loving said asked if we wanted to have Migliorini give him that list of contacts for Mr. Stout to reach out to them. Council agreed. Draves asked if Stout knew the deadline to RSVP. He said that he would have to check the website, but he will include that in his message to the employees.

Correspondence:

Nothing to report.

Presentations of Resolutions, Petitions, Communications, Ordinances and Remonstrance:

Councilman Loving made a motion to adopt Resolution 2025-02 Fund Line Transfer. Councilman McGraw seconded the motion.

Councilwoman Draves asked if there was a reason we have overtime in April that we are pulling money from other funds already. Commissioner Lawson stated that, now that he is full time, he is doing about three times as much. There is a lot going on, and we have never had as much commercial interest in Burns Harbor. We are receiving zoning affidavits, offer requests, and things of this nature that are time-consuming. It has involved a lot of our overtime to take care of those things. We are up to 401 licenses for the year.

Councilwoman Draves – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye. Councilman Loving—Aye Councilwoman Bozak- Absent Motion **passed**.

New Business:

Staff Anniversaries:

No anniversaries.

Large Item Trash Pickup Day:

Council President McHargue stated that the large item trash pick-up day is May 15th.

Approval of the March 2025 Financial Report:

Councilwoman Loving made a motion to Approve the March 2025 Financial Report. Councilman Draves seconded the motion. Councilwoman Draves—aye, Councilman McGraw -- no. Councilwoman McHargue – aye. Councilman Loving – aye Councilwoman Bozak- Absent. **Motion passed**

Councilman McGraw stated that the reason he is saying no is that he has not gotten all the documentation that he needs, and he is still learning how the financial reports go, so he is still looking into that. Clerk-Treasurer Migliorini asked what documentation he is requesting. McGraw said that he got documentation of it, as of today, but he has not had time to go through it entirely to understand the process of all the bills being paid.

Approval to pay vouchers with 3 or more signatures:

Councilman Loving moved to approve vouchers with three or more signatures. Councilwoman Draves seconded the motion. Councilwoman Draves- Aye, Councilman Loving-- Aye, Councilman McGraw – Aye, Councilwoman McHargue –Abstain Councilwoman Bozak- Absent. **Motion passed.**

Approval of purchase orders submitted with 3 or more signatures:

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

Old Business:**Fill open positions:**

We are still looking for an engineer to sit on our Sanitation Board.

Good of the Order of the Community:

Chief McHargue stated that he was unsure if a motion had been made to officially approve the decommission of the 2016 Ford Explorer that was totaled out by the insurance. Patton asked if it has been taken off the insurance. Migliorini said that she would check.

Councilman Loving made a motion to decommission the 2016 Cruiser VIN # 1FM5K8AR7GGB64824. Councilwoman Draves seconded the motion. Councilwoman Draves – Aye, Councilman McGraw –Aye, Councilwoman McHargue – Abstain. Councilman Loving—Aye Councilwoman Bozak- Absent **Motion passed**

Chief McHargue also thanked Neil Stout for his great work with the Shared Ethics Training. Kylane Tumblin thanked on behalf of Sandy Chief McHargue and Chief Nowacki for all they did trying to help her husband

Mike Fry of 1254 Coan Street stated that he has been to three meetings, and he needs to know what is going to happen with that pond. He has a pond in his yard that is so big that he has water fowl in it. He asked if the Town is going to do anything about it and stated that they created it. President McHargue said that the town engineer has done some research and inspected the area, and he has reached out to the firm that has built the trail. Fry asked if it could be pumped out. He said that he is stressed about the dangers of having a child fall in it and drown. President McHargue apologized for his inconvenience and said that she can only tell him that we are working with the engineers to fix the problem. Travis Keppen said that he was under the impression that we were all invited here tonight because the engineer was supposed to be here. He said that he can see that he is not here.

Connie Sikora of 1250 Coan Street stated that she is neighbors with Mr. Fry and that their yard is extremely flooded too. They are very concerned as it is within feet of their pole barn

and about 20 large growth pine trees. An audience member said she had a tree fall last week for the same reason. The water is damned with nowhere to go at the bike trail.

Keppen said that the reason he asked about the engineer being here is that he has a lot of questions that he does not believe anyone on this board can answer. He asked where is the water supposed to go and why did the storm drains not continue- on the street. Discussion continued. McHargue said that work must be done through town engineers. Unfortunately, it is all taking time. She apologized and said she will see if we can have someone pump out the water for now. Patton said that if you are going to have town contractors go on the private property, you will need some permission to go on their property. For liability purposes, we need to make sure that we have some signatures for okays to come on the property and do these things. Council President McHargue said that we will talk to the town engineers and we will have some answers.

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

There being no further business to discuss, the meeting concluded at 8:17 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