

Burns Harbor Town Council
Regular Meeting
May 9, 2024

The Town Council of the Town of Burns Harbor, Porter County, Indiana met in its regularly scheduled session on Wednesday, May 9, 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 ----- Absent
Councilman John (Jack) McGraw ----- Present
Councilwoman Jennifer McHargue --- Present

Deputy Clerk Nicole Migliorini was Present. A quorum was attained.

Additional Officials Present Attorney Clay Patton, Town Engineer Shem Khalil, Town Marshal Jeremy McHargue, Assistant Fire Chief Brent Valpatic, Building Commissioner Charles Hansen, Park Board President Kylane Tumblin, and Interim Sanitary Superintendent Adam Friday.

Approval of Minutes:

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

Councilman McGraw made a motion to approve the special meeting minutes of April 17, 2024. Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman Jordan – Absent, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

Public Hearing:

McHargue opened the public hearing for additional appropriation resolution 2024-04 at 7:02 p.m. to move funds from the general fund to the CEDIT fund.
McHargue closed the public hearing at 7:03 p.m.

Councilwoman Bozak made a motion to approve the additional appropriation resolution 2024-04. Councilwoman Draves seconded. Councilwoman Bozak – Aye, Councilwoman Draves- Aye, Councilman Jordan – Absent, Councilman McGraw – Aye, Councilwoman McHargue – Abstain. **Motion passed.**

Reports:

Town Council:

Nothing to report

Town Attorney:

An email was forwarded to Cleveland Cliffs on April 30th in regards to Oak Leaf Lane. Representatives from Cleveland Cliffs requested we sign first but have not specified if the document is in final form yet. Additionally, this afternoon Clerk Treasurer Jane Jordan and Councilman Kurt Jordan came to my office to provide copies of their resignation letters. Both letters are dated May 8, 2024 addressed to Ms. Jessica Baily. Clerk Treasurer Jordan also presented a form for Mr. Patton as well as Ms. Jordan to sign stating that on May 8, 2024 I, Attorney Patton, took possession of the following Burns Harbor property from Ms. Jordan: three sets of keys for the town hall including various keys used by the Clerk Treasurer, one town hall key that was assigned to Councilman Kurt Jordan, various storage devises containing annual backups of the Clerk Treasurer's computer files and software data, Lenovo E Series notebook laptop serial number PF4JSB1F AND \$1,563.11 in Menards Rebated gift cards. Ms. Jessica Baily was here earlier and I provided her with a copy of the letters to keep in her office. As both newly departed elected officials were members of the Democratic party it is my understanding that under Indiana election laws that these roles will be filled by appointments by the Porter County Democratic Chair as there is only one precinct that covers the town. Bozak stated she believes the key to the Clerk Treasurer's office should remain within the office at the time being. Draves asked that the keys be in Deputy Clerk Migliorini's possession. Councilwoman Bozak asked about

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materials belonging to the Scholarship Board, Migliorini stated she would check into the matter.

Councilwoman Bozak made a motion to appoint Councilman McGraw to the Redevelopment Commission to fill Councilman Jordan's seat. Councilwoman Draves seconded. Councilwoman Bozak – Aye, Councilwoman Draves- Aye, Councilman Jordan – Absent, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

Councilwoman Bozak made a motion to appoint Councilman McGraw as the NIRPC representative for the Town of Burns Harbor. Councilwoman Draves seconded. Councilwoman Bozak – Aye, Councilwoman Draves- Aye, Councilman Jordan – Absent, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

Councilwoman Bozak made a motion to appoint Councilman McGraw as the Street department liaison interim. Draves seconded. Councilwoman Bozak – Aye, Councilwoman Draves- Aye, Councilman Jordan – Absent, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

Attorney Patton mentioned that Clerk Treasurer Jordan is the Scholarship Fund Treasurer so we will have to address who has check signing authority and contact banks and other financial institutions to see what they need from us to remove Ms. Jordan as an authorized signer and remove any additional access to bank accounts. Councilwoman McHargue gave authority to Deputy Clerk Migliorini to notify the banks.

Councilwoman Bozak made a motion to provide Migliorini with the authority to notify the banks as well as sign. Councilwoman Draves seconded. Councilwoman Bozak – Aye, Councilwoman Draves- Aye, Councilman Jordan – Absent, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

Attorney Patton clarified that Ms. Jordan did process payroll today.

Town Engineer:

Khalil informed the board that there is a lot of coordination between the school corporation, emergency services, etc. taking place to prepare for upcoming paving. I do not foresee any major issues/concerns at this time but if they are to occur the town will be notified.

Building Department:

Nothing to report

Street Department:

Nothing to Report

Police:

Police Chief McHargue stated that tonight was our first Metropolitan Police Commissioners board meeting. In the meeting the authorization to extend a conditional offer to Kyle Poracky to bring him back with the department. I did speak about the rate of pay but wanted to address it to the council, the pay rate would be at the current rate of a full-time deputy marshal that is already established.

Fire:

Valpatic reported that it was a rather slow month. April 15th the department responded to a call in the Town of Pines for a large structure fire. We have had several maintenance plagues including a hydraulic leak on the squad 33 22. The a/c has finally been fixed. The motor on the nozzle on the tip of our ladder has been having issues, but we replaced the motor and it is working great now. The squad 33 33 steering box has been rebuilt by our own guys.

Sanitation:

Flow meters are in, and we installed three meters in three different locations. We received a call from lift station three on Tuesday. The air releases on Old Porter Road have both been replaced. The starter motor in number five was replaced today. We had an emergency call out today, lift station three had lost power and it was a quick on/off so we had to come out and reset it. The call out is not doing what it is supposed to do. It notified Nicole and I

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but did not notify Brandon so I will be looking at that on Thursday. I am trying to get the Town scheduled for spring cleaning, I will be contacting Eagle Services to schedule that.

Stormwater:

Friday reported that the drains appear to be flowing well. We are still looking into the Haglund Road issue.

Park:

Tumblin reported that on June 6th the 219 Taproom will be holding an event from 4:00 p.m. to 8:00 p.m. All tips donated during this time will be donated to the Park Foundation. The crew is working hard to prepare the park for this upcoming season, opening day is the weekend of May 25th. We are still looking to fill a lifeguard position. Rebuilding Together Duneland was a success, we got a lot accomplished.

Redevelopment Commission:

Councilwoman Bozak reported that there has been work going on, on the trails but due to weather we have hit some delays. We did sign an extension at today’s Redevelopment Commission meeting so we are not looking at a completion date of July 15, 2024. We are working on refining the RFP for the Safe Streets for All, we should be ready for that for bid next week.

Shared Ethics:

Nothing to report

Correspondence:

IDEM – Notice of Approval Air Permit Exemption for Meijer Stores, LP, Valparaiso
Redevelopment Commission- No excess assessed value in its Tax Allocation Areas for 2024 pay 2025

**Presentations, Resolutions, Ordinances and Remonstrance:
Resolution 2024-04 Additional Appropriations:**

ADDITIONAL APPROPRIATION RESOLUTION 2024-04

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

NOW, THEREFORE;

Sec. 1. **BE IT RESOLVED** by the Town Council of Burns Harbor, Porter County, 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 purposes specified, subject to the laws governing the same:

Fund Name: General	REQUESTED	BY FISCAL BODY
Major Budget Classification:		
Personal Services	\$ 104,256.00	\$ 104,256.00
TOTAL for General Fund:	\$ 104,256.00	\$ 104,256.00
Fund Name: County Economic Development Income Tax	AMOUNT REQUESTED	AMOUNT APPROVED BY FISCAL BODY
Major Budget Classification:		
Personal Services	\$ 104,256.00	\$ 104,256.00
TOTAL for County Economic Development Income Tax Fund:	\$ 104,256.00	\$ 104,256.00

Adopted this 8th day of May, 2024

Councilwoman Bozak made a motion to approve Resolution 2024-04. Councilwoman Draves seconded. Councilwoman Bozak – Aye, Councilwoman Draves- Aye, Councilman Jordan – Absent, Councilman McGraw – Aye, Councilwoman McHargue – Abstain.
Motion passed.

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Ordinance Amending Ordinance 259-2014 allowing golf carts to be operated on public streets:

Councilwoman McHargue asked if we have an ordinance prepared, Councilwoman Bozak said we will need to table this matter for next month's meeting. Attorney Patton clarified that the Town currently allows golf carts to operate on Town streets, we are just looking to add UTVs.

New Business:

Staff anniversary recognition:

Kim Burton has served as the Town's Park Director for twenty-six years.

Memorial Day Program at Hawthorne Park:

Councilwoman McHargue said this program takes place every year and, in the past, we have sent two members of the Council to attend. Bozak said she would be willing to attend this year. Councilwoman Bozak asked Deputy Clerk Migliorini to look into ordering flowers for the event. The event will be held at Hawthorne Park on May 27th at 1:00 p.m. Councilwoman Draves agreed to attend the event as well.

CF-1 statement reviews for 2024 pay 2025 tax abatement:

Tabled until the June Council meeting.

Schedule town rummage sale dates:

The town-wide rummage sale has been scheduled for July 26th and 27th.

Large item trash collection May 9, 2024:

The Council acknowledge the spring large item collection date

Safety training for Burns Harbor employees and residents:

Councilman McGraw stated that employees are very interested in the training but we would have to determine the funds. Councilwoman Draves stated we are paying the employees their hourly wage while they would be in training, we would then have to pay additional wages to the employees that would have to cover for those in training. Councilman McGraw stated they would have to work their workday schedule around training at the Fire Department. Councilwoman Draves asked how much would have to be per employee training, Friday responded the cost would be five dollars for four hours of training. Councilwomen Draves and Bozak expressed concern about the amount of time and funds that would be required for training. Councilman McGraw said he would look further into the matter and report back next month.

Approval of March 2024 financial report:

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

Approval to pay vouchers with 3 or more signatures:

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

Old Business:

Town Complex generator status:

Councilwoman Draves said that NIPSCO assigned an engineer. Circle R has the parts needed to move forward and are waiting on NIPSCO to do their part. Circle R and NIPSCO are working together to compose a schedule.

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2024 Fire service contract:

Councilwoman McHargue stated she will reach out to the State Board of Accounts for more details and advise regarding the matter. Discussion continued. The Fire service contract was tabled until the June meeting.

Fill open positions:

Councilwoman McHargue said that the Police Chief and Police Clerk created a job description to advertise to hire an individual to conduct cleaning throughout the Town complexes. I think it would be a good idea to advertise the position for an individual to come in as a Town employee. Councilwoman McHargue suggested that Chief McHargue and Deputy Clerk Migliorini conduct interviewing for the position. Councilwoman Bozak recommended that the new position be created under the Clerk-Treasurer's office. Councilwoman Draves asked if these hours are to be worked when the Town Hall is open, Chief McHargue replied yes and no there will be flexibility for the position. Chief McHargue asked whom would have the hiring authority. Councilwoman McHargue clarified that the position would be part-time. Chief McHargue stated that every department that had cleaning services had a budgeted amount in their budget to pay for a cleaning service. There was money allocated in the budget to cover the service. Councilwoman Draves asked if we had an ideal pay rate for the position. Chief McHargue said we are looking to set the rate between \$16.00 to \$20.00 per hour based on experience. Councilwoman Draves stated that the position would be under twenty-five hours a week. Councilwoman Bozak asked how hours would be monitored. Chief McHargue suggested we allow sixteen hours for the position with the option to work two eight-hour shifts per week. Councilwoman Bozak wanted to clarify that the position would just include cleaning, not additional responsibilities such as yardwork.

Councilwoman Draves made a motion for Deputy Migliorini, Chief McHargue and Councilman McGraw to approve the hiring of a cleaning person for up to 24 hours starting pay at \$16.00 per hour. Councilwoman Bozak seconded. Councilwoman Bozak – Aye, Councilwoman Draves- Aye, Councilman Jordan – Absent, Councilman McGraw – Aye, Councilwoman McHargue – Aye. Motion passed.

2024-02 Community Crossing Matching Grant:

Khalil said that the matter was discussed at the beginning of the year. There are two cycles, one in January and one in July and we missed the January deadline. The next cycle is July and sometimes the application for the grant can take up to a month and a half to prepare. This grant is up to \$1,500,000.00 with the town liable to match twenty five percent, so the total amount would be \$2,000,000.00. Tumblin asked if we could consider Lakeland Park Drive as a street that would be eligible under this grant. Khalil said it would be up to the Council moving forward. Any street that is applied for this grant must be a part of the State audit. We will check to see if Lakeland Park Road would be eligible. Khalil asked if the Town is looking to go for the entire grant. Keep in mind this grant is for next year, so the funds would have to be taken out of the 2025 budget. Councilwoman Bozak asked which streets would need to have work done. Khalil said that every year the Town must preform an assessment of all the streets. The last assessment you have was submitted December 1, 2023. Any streets rated six or below are usually selected. The cycle of street paving in general is ten years if we have good weather. Councilwoman Bozak asked if the trail on Haglund Road could be included in this grant. Khalil said this grant is directed for paving so the trail would not apply, but there are many other programs through NIRPC that could be applied towards the trail. Councilwoman Draves asked if we could cap the grant funds at \$1,000,000. Khalil said we can approve up to \$1,000,000.00 and we do have time to decide later if we want to go after the full \$1,500,000.00 grant.

Councilman McGraw made a motion to allow Global to pursue the grant not to exceed \$1,000,000.00 and to discuss before final submission. Councilwoman Draves seconded. Councilwoman Bozak – Aye, Councilwoman Draves- Aye, Councilman Jordan – Absent, Councilman McGraw – Aye, Councilwoman McHargue – Aye. Motion passed.

Creating a Public Works Department:

The Council tabled for the June meeting.

Sale of 2015 Horton Ambulance VIN 1FDUF5HT2FEC17729

The Council tabled for the June meeting.

Decommission 2015 Horton ambulance VIN 1FDUF5HT2FEC17729:

The Council tabled for the June meeting.

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Trash fee procedure for demolished homes:

Councilwoman McHargue asked if the account for 235 Haglund Road has been finalized. Deputy Migliorini said yes. McHargue stated that the Street Department has collected the bins and they have been returned to Able Republic Services.

Good of the Order of the Community:

Khalil said that some of the APRA money that was allocated towards the Haglund Road storm project will be reallocated to the Town Council to use towards other projects.

Friday spoke with Burton regarding summer help and stated he would like to investigate hiring teen help for the summertime for the Street Department and possibly sanitation.

Chief McHargue stated the Police Department has not allocated any funds for vest this year and the new hire will need a vest.

Councilwoman Draves made a motion to purchase a vest using funds from the CCDIT fund not to exceed \$1,500. Councilwoman Bozak seconded. Councilwoman Bozak – Aye, Councilwoman Draves- Aye, Councilman Jordan – Absent, Councilman McGraw – Aye, Councilwoman McHargue – Abstain. **Motion passed.**

Councilwoman Drave made a motion to adjourn. Councilwoman Bozak seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman Jordan – Absent, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.** Chief McHargue also said he would need permission to purchase any additional needed gear for his new hire not to exceed \$2,000.00.

Councilwoman Draves made a motion to allow Chief McHargue authority to purchase any additional uniform gear not to exceed \$2,000.00. Councilwoman Bozak seconded. Councilwoman Bozak – Aye, Councilwoman Draves- Aye, Councilman Jordan – Absent, Councilman McGraw – Aye, Councilwoman McHargue – Abstain. **Motion passed.**

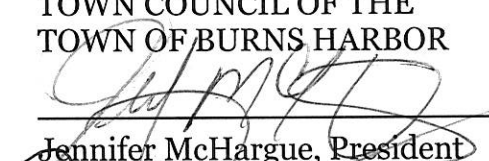
Councilwoman Bozak said that all email has been disconnected for the former Clerk-Treasurer. I would recommend any emails addressed to former Clerk-Treasurer Jordan be directed to Nicole and any emails addressed to former Councilman Jordan be directed to the Council. Do we need to discuss pay as well. Attorney Patton suggested that the remaining owed pay be prorated.

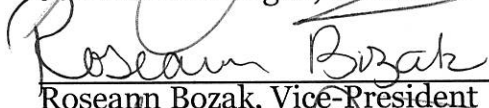
Khalil said that the board would have to appoint a new ERC contact for the town. Councilwoman Bozak made a motion to appoint Deputy Migliorini as the new town ERC contact. Councilwoman Draves seconded. Councilwoman Bozak – Aye, Councilwoman Draves- Aye, Councilman Jordan – Absent, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

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

There being no further business to discuss, the meeting concluded at 8:28 p.m.

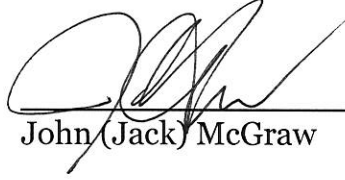
TOWN COUNCIL OF THE
TOWN OF BURNS HARBOR


Jennifer McHargue, President


Roseann Bozak, Vice-President


Lisa Draves

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John (Jack) McGraw

Vacant Seat

ATTEST:



Nicole Migliorini Deputy Clerk-Treasurer

