

Burns Harbor Town Council
Regular Meeting
May 14, 2025

The Town Council of the Town of Burns Harbor, Porter County, Indiana, met for a Regular Meeting on Wednesday, May 14, 2025, at the Burns Harbor Town Hall and streamed electronically with Zoom and YouTube. The meeting was called to order by Council President Jennifer McHargue at 7:03 p.m.

The Pledge of Allegiance to the American Flag was recited.

Roll Call: Councilwoman Roseann Bozak ----- Present
Councilwoman Lisa Draves ----- Absent
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, GM/MVH Superintendent Brandon Downey, and Park Board Member Kyla Tumblin, Shem Khalil and Jeanette Hicks- Global Engineering.

Approval of Minutes:

Councilwoman McGraw made a motion to approve the meeting minutes of April 9, 2025. Councilman Loving seconded the motion. Councilwoman Bozak – Aye, Councilman McGraw – Aye, Councilman Loving– Aye, Councilwoman Draves – Absent, Councilwoman McHargue—Aye. Motion passed.

Reports:

Clerk-Treasurer

Nothing to report.

Town Council:

Nothing to report.

Town Attorney:

Nothing to report.

Town Engineer:

Khalil stated that the Redevelopment Commission approved the Safe Streets for All (SS4A), which is the final action plan. It is going to be published on the Town of Burns Harbor website, and we are asking tonight to approve the final action plan and adopt it, with the condition that Attorney Patton approves the resolution. We would then ask to give the Town Council president the authority to sign that resolution once Attorney Patton has reviewed it. Councilman McGraw made a motion to approve the final approval for Safe Streets for All and to give Town Council President Jennifer McHargue permission to sign the resolution once reviewed by Attorney Patton. Councilwoman Bozak seconded the motion. Councilwoman Bozak – Aye, Councilman McGraw – Aye, Councilman Loving– Aye, Councilwoman Draves – Absent, Councilwoman McHargue—Aye. Motion passed.

Attorney Patton asked if this will be put on the agenda for the June 2025 Town Council meeting, or to just review and give the Town Council President the authority?
Councilman McGraw stated yes.

Khalil stated that the next thing we have is a change order request by Gariup Construction for the salt dome project. They submitted the change order on May 5, 2025, and we sent the recommendation to the Town Council for rejection of that change order. We provided the specifications for six options for the salt dome itself, and there are two types of foundation that the dome will be sitting on. So, out of those six options, it was the contractor's choice to decide at the time of bidding on what option and then send it to the foundation manufacturer as well. They are saying they did not know. So, that is the basis of our rejection. Councilwoman Bozak asked if we go with your recommendation to reject the change order, what is the next step? Khalil stated they will continue to finish the project in the way that was intended. Councilman Loving made a motion to approve the rejection of the change order. Councilman McGraw seconded the motion. Councilwoman Bozak – Aye, Councilman McGraw – Aye, Councilman Loving– Aye, Councilwoman Draves – Absent, Councilwoman McHargue—Aye. Motion passed.

Councilwoman McHargue stated I know we have a lot of residents here in regards to the Marquette Greenway Trail and the flooding issue. Right now, we have SEH, Abonmarche, and Global Engineering assessing the project to try and find a solution on how to fix it. So, this issue is being investigated, but nothing has been finalized yet. Councilman Loving asked if this is rising to the level of fault from any of them, and how do we get remediation on the flooding issues that we are experiencing now? Khalil stated yes, it is rising to the level of fault. There is some recommendation from the engineer on record and a recommendation from Global Engineering to follow, along with the Redevelopment Commission as well. Councilwoman McHargue stated that we are taking steps forward to solve this problem. Connie Sikora- 1250 Coan Street, asked if they knew how long this would take. Councilwoman Bozak stated that there are a lot of things to look at and discuss, and we are trying to find the best solution. The Redevelopment Commission tabled this discussion until the June 11, 2025, meeting so they can continue the discussion with all of the engineering groups.

Connie Sikora- 1250 Coan Street- Do we need to attend those meetings for the Redevelopment Commission? Councilwoman McHargue stated yes, you are more than welcome to attend because it is discussed during those meetings.

Building Department:

Building Commissioner Lawson stated I spoke with Rob Henn from Henn and Sons, and he did receive the check in the amount of \$14,515. There is still an outstanding balance of \$10,587.32, so I just wanted to see when that will be paid. Councilwoman Bozak stated we did not address that at the Redevelopment Commission meeting this evening, as we intended to, because it was pushed at the last Town Council meeting to see if the Redevelopment Commission would pay it out of Redevelopment Commission TIF funds. We will have to hold a special meeting to discuss that. Attorney Patton stated that you will have to set a special meeting for the Redevelopment Commission for next week. Councilwoman Bozak stated okay, I will get that work done for you.

Building Commissioner asked if the Town Council has had a chance to look at the fee schedule that was forwarded for recommendation from the Plan Commission. Councilwoman Bozak made a motion to allow Attorney Patton to put the fee schedule in ordinance form for approval at the June Town Council meeting. Councilman Loving seconded the motion. Councilwoman Bozak – Aye, Councilman McGraw – Aye, Councilman Loving– Aye, Councilwoman Draves – Absent, Councilwoman McHargue—Aye. Motion passed.

Councilman McGraw stated, that I just want to commend our Building Commissioner on the work that he has been doing with following up on all of the permits and violations that have been going on in the Town of Burns Harbor. He has brought in a substantial amount of money to the Town of Burns Harbor in the last month.

Councilman Loving asked if the Town Council could look at the current salary ordinance and discuss it at the June 11, 2025, meeting.

Councilwoman Bozak asked Building Commissioner Lawson if the violation letters in the Building Department report have been taken care of since the dates have passed. The first was for 277 Melton Road, being given until May 13, 2025, to pay their fines. Building Commissioner Lawson stated those fines were not paid, and I just gave Attorney Patton a complete, printed-out chronological history report that is tabbed out for that case. He is refusing to pay those fines and stating Rieth-Riley did it, and they are denying that. He has no proof of anything different. Councilwoman Bozak stated that the other violation for KLLM was to be received no later than May 2, 2025. Was that received? Building Commissioner Lawson stated yes, we received a check for \$ 37,500. Councilwoman McHargue asked what was to be done with the reports given to Attorney Patton. Building Commissioner Lawson stated we are past the 30 days, so I have given everything to Attorney Patton to pursue an ordinance violation if the Town of Burns Harbor would like to. Attorney Patton stated that we would pursue an ordinance violation before a judge to collect the fine.

Councilman McGraw stated that the Anaya Martin property is also past the 30 days, and we have not decided on where we are going to go with that. So, that also needs to be addressed. Mr. Martin has not brought anything to the Building Department or discussed anything with the Building Commissioner. Building Commissioner Lawson stated there is also the issue of the civil penalty that was imposed. Does the Council know how they would like me to proceed with that, because the Council made a motion to carry that out, so they owe that. Attorney Patton stated Commissioner Lawson got quotes to tear the structure down, so does the Council want to accept that quote and pay those monies and have the property demolished. Councilman McGraw asked if the Town of Burns Harbor demolishes the home, would the Town of Burns Harbor own that property? Attorney Patton stated I do not think you necessarily own it. A discussion was held regarding the property and the next steps to take. Councilwoman asked where the funds would come from if the Town Council wished to move forward with the demolition of the property. Attorney Patton stated I would say the general fund, but this is not a normal expenditure within the Town of Burns Harbor. Councilwoman McHargue stated I am going to suggest we table this until the June 11, 2025, meeting.

Street Department:

Superintendent Downey stated that brush pickup is still happening weekly on Mondays, weather pending. We have been having some mechanical issues with the street sweeper, BEC company has been notified and they are picking the sweeper up on Monday and once another sweeper becomes available, they will drop it off so we can do another quick round through the town because the sweeper is spitting out rocks and leaving debris everywhere. It is not doing what it is supposed to do. As soon as I know more, I will let everyone know. There should be no extra charges, though. The bike trail is growing in good and is looking great.

Khalil stated the CCMG grant is moving forward, the work was supposed to start today, but there is a delay with the utility locates and some backyards they could not get into. They left door hanger notifications for those residents. Jeanette Hicks stated work is supposed to start next week, but I have not gotten confirmation that all the utilities have been located. A discussion was held regarding what happens if those locates are not able to be done.

Police:

Police Chief McHargue stated that Clerk Watkins is still working on the phone system upgrade. We do not have a projected date for that going live at this time. The Street Department has done a ton of either repair and maintenance on our vehicles as well as a little bit inside of our building, so I would like to thank them for all of the time they put into that. We finally got some of the parts for our new car, but we are still waiting on license plates for that vehicle. I do not know the status of that at this time, but we will try

to follow up. So, that vehicle is still not in service. Clerk Watkins and I have been fighting with the company for the speed sign, trying to get replacement parts, so that has been a challenge. Staffing-wise, Dathan Bennett officially started on April 28, 2025, and is going through the process of his 40-hour pre-basic. He is scheduled to complete that on Tuesday, with the assistance of Hobart Police Department, completing the fiscal tactics training that he has to do. Officer Grant Vawter graduated from the police academy on May 2, 2025. It is significant to us because it is the first time we have sent a full-time officer to the police academy. In the 12 years that I have been here, we have never sent someone, so congratulations.

Fire:

Chief Nowacki stated that for April, we had 30 calls for service, totaling 12 hours and 51 minutes of on-scene emergency management. The new chief buggy is in service and on the road, with a couple of things that we still have to do to the truck. I have three probationary firefighters who are now certified as firefighter one, and they should be coming up on graduation here in June with their firefighter two and will be ready to hit the road. We are still compiling a parts list for the ambulance, I do not know if I'm going to exceed a certain amount of money just yet. The most important part is on back order. I do not have those numbers in front of me, but I want to make sure that I do not exceed a certain number in spending until I have that complete list.

Sanitation:

Nothing to report.

Stormwater:

Nothing to report.

Park:

Tumblin stated on June 5, 2025, from 4-8 PM, we are having a give-back event at 219 Taproom, and all tips will go towards the park foundation. We also just added another giving event on Wednesday that will be held at Running Vines. They will donate 10% of their sales to the park foundation, so that is very exciting. June 7, 2025, from 9-12 am, the park will host its eighth annual kids fishing derby. Age groups 6-10 and 11-14 will compete for prizes. More information regarding that event is on the park's Facebook page. On June 28, 2025, at 6 pm, we will be hosting the Foot Loose 5K and the kids' fun run. There will be an event following the race. To sign up, please visit the Facebook page. The beach will open on May 24, 2025, and only on the weekends until June 9, 2025. It will be open daily after that.

I handed out some packets to you all regarding the park in Corlin's Landing. We received three quotes from one company; I have presented you with what the Park Board has decided on. The last two pages show a breakdown of the equipment for the playground, and then the last page is for the installation of both the park equipment and the wood chips and mulch, and the certified playground mulch. That comes out to a total of \$51,141 between the two, and the Park Department would contribute \$20,000 towards the equipment that we presented at last month's Town Council meeting. Councilwoman Bozak asked if the company has time in their schedule this summer for installation. Tumblin stated yes, we are on a timeline. If we move forward with this, we will make our timeline for the subdivision, and the kids will have it for the summer to play on. Councilwoman Bozak asked about sidewalks and if that was still in the plan. Tumblin stated I think we need to revisit that later. It does not need to be in before the equipment goes in, just afterwards. Councilwoman Bozak asked if the Park Department has the funds to put in those sidewalks. Tumblin stated no, we do not. Councilwoman Bozak stated so you are asking the Town Council for money for the equipment, and then you will be back to ask for more money for the sidewalks. Tumblin stated yes, we will. When we initially received this parcel of land with the \$15,000 that the initial agreement was to have, through the developer, the sidewalks were put into place along with seating and the leveling and other such things. So, when the Town Council decided to accept the \$15,000 towards the park, this is what we gained. We were asking for

\$7,680 from the Town Council, and that would cover the plastic turf timber border and the mulch. The Park Department would cover the initial equipment, and if the Town Council would like to add to it later, then so be it. So, whether you approve what I have presented today or what was brought to the May Town Council meeting. Councilwoman Bozak asked Khalil what he would estimate the sidewalks to be. Khalil stated that I would need to know what the linear footage is to calculate an estimate. Councilwoman Bozak stated I am just trying to think ahead, and maybe there are some grant opportunities we can investigate for that sidewalk. A discussion was held regarding the sidewalks.

Councilman Loving made a motion to allocate towards the Corlin's Landing Park estimate 908 for the quote received on April 16, 2025, in the amount not to exceed \$32,000 to be paid out of CEDIT. Councilwoman Bozak seconded the motion for further discussion. Councilwoman Bozak- No, Councilman Loving- Aye, Councilman McGraw- Abstain, Councilwoman Draves- Absent, Councilwoman McHargue- Aye. Motion not passed.

Councilwoman Bozak asked about the first playground plan that you came up with before you mentioned that it was able to be added to later. Tumblin stated yes. Councilman McGraw asked if we know there is money in CEDIT for this. Councilman Loving stated the current balance is \$375,847.05.

Attorney Patton stated this will have to come back at next month's meeting when we have 5 board members and see if it passes. Tumblin stated we may move forward with our original plan; we need to move forward with our timeline.

Redevelopment Commission:

Councilwoman Bozak stated that the Redevelopment Commission received an award for outstanding local government from the Greenway Foundation of Indiana. Tina Rongers, the Redevelopment Commission consultant, and I went to Indianapolis in April to accept the award on behalf of the Redevelopment Commission. As far as the Marquette Greenway, we are still building and have more to do.

Shared Ethics:

Neil Stout stated we had the train-the-trainer session on April 22, 2025. The training for board and commission members is scheduled for May 29, 2025. As of right now, we have six individuals who are signed up.

Correspondence:

Nothing to report.

Public Hearing:

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

None

Councilwoman McHargue stated I want to thank Clerk Watkins for filling in this evening, as of today, we no longer have a Clerk-Treasurer. We will follow all Indiana laws and procedures on filling that vacancy.

New Business:

Staff Anniversaries:

Councilwoman McHargue stated that Kim Burton, who runs the Park Department, has been here for 27 years. George Bozak, who does the maintenance at the park, has been here for 3 years. And then Kyle Poracky is coming up on his 1st anniversary, but he was recently with us for 6 years.

Councilwoman McHargue stated I just want to congratulate Officer Grant Vawter again for getting through the police academy.

Approval of March 2025 Financial Report:

Councilman Loving asked if we are confident in the March financial report.

Councilwoman Bozak stated no. Councilman Loving stated I think we need to take a little time and go through that a little bit more diligently before we approve it and make sure everything in it is accurate.

Approval to pay vouchers with 3 or more signatures:

Councilman Loving made a motion to approve the payment of vouchers with 3 or more signatures. Councilwoman Bozak seconded the motion. Councilman Loving- Aye, Councilwoman Bozak- Aye, Councilman McGraw- Aye, Councilwoman Draves- Absent, Councilwoman McHargue- Abstain. Motion passed.

Approval of purchase orders submitted with 3 or more signatures:

Councilman Loving made a motion to approve the payment of purchase orders with 3 or more signatures. Councilwoman Bozak seconded the motion. Councilman Loving- Aye, Councilwoman Bozak- Aye, Councilman McGraw- Aye, Councilwoman Draves- Absent, Councilwoman McHargue- Abstain. Motion passed.

Cell Phone Tower Lease Agreement

Councilwoman McHargue stated that we need to renew the lease for the cell phone tower agreement. Nothing has changed from the years prior, but we do not have the lease in person. Councilman Loving stated we need to table that; we need to read the lease agreement.

DEDC Appointment

Councilwoman McHargue stated I would like to recommend we appoint Councilwoman Bozak for the Duneland Economic Development Company. Councilman Loving made a motion to appoint Councilwoman Bozak for the DEDC appointment. Councilwoman Bozak seconded the motion. Councilman Loving- Aye, Councilwoman Bozak- Aye, Councilman McGraw- Aye, Councilwoman Draves- Absent, Councilwoman McHargue- Aye. Motion passed.

Approval of Keystone Training

Councilwoman McHargue stated that this is training for the clerks in the office for entering invoices and doing payroll. Councilwoman McHargue asked Attorney Patton if they should do a retroactive date. Attorney Patton stated based on the emergency nature of there being an impending vacancy in the treasurer's office, you need to have staff trained on making payroll, etc. This approval is to be retroactive to the date of signing the agreement. Councilman Loving made a motion to approve the signature retroactive to the date of signing. Councilwoman Bozak seconded the motion. Councilwoman Bozak- Aye, Councilman Loving- Aye, Councilman McGraw- Abstain, Councilwoman Draves- Absent, Councilwoman McHargue- Aye. Motion passed.

2025 Memorial Day Program at Hawthorne Park

Councilwoman Bozak stated the park director for the Town of Porter has reached out to me to ask if anyone from the Town of Burns Harbor would like to attend the Memorial Day program at Hawthorne Park. I have been the representative for the Town of Burns Harbor for the past couple of years, so just seeing if anyone would like to join me. Councilman Loving stated I will attend. Councilman McGraw stated that if I am available, I will attend.

Councilman Loving asked to take a 5-minute recess.

Councilman McGraw asked if there would be a special meeting. Councilwoman McHargue stated yes, this Friday at 3 pm. Attorney Patton asked if the meeting minutes would be drafted for that meeting. Councilwoman McHargue stated yes, they will be.

Councilwoman McHargue stated that we need to appoint someone with the check signing ability. Councilman Loving made a motion to add Councilman Loving, Councilwoman Bozak, and Michelle Watkins as signatories on the Town of Burns Harbor account and remove Nicole Migliorini. Councilwoman Bozak seconded the motion. Councilman Loving- Aye, Councilwoman Bozak- Aye, Councilman McGraw- Aye, Councilwoman Draves- Absent, Councilwoman McHargue- Aye. Motion passed.

Councilwoman Bozak asked when we have a new Clerk-Treasurer, will we remain as signers on the account? Councilman McGraw stated I think we can discuss that at that time, but we should keep one of you on there so we do not run into this issue again.

Councilwoman stated there was an email from Cleveland Cliff's regarding CF1s. Has anyone been in contact with Cleveland Cliff's? Attorney Patton stated I have not seen the email you are referring to, but I would say have them direct that email to one of the deputy clerks or someone on the Town Council so the communication can flow. Councilman Loving stated I will reach out to Cleveland Cliff's regarding this.

Councilwoman McHargue stated we need to give our deputy clerk authority to sign stuff like a department head, in the meantime. Councilman Loving made a motion to allow Deputy Clerk Maddie Parker to sign documents on behalf of the Town of Burns Harbor as directed by the Town Council. Councilwoman Bozak seconded the motion. Councilman Loving- Aye, Councilwoman Bozak- Aye, Councilman McGraw- Aye, Councilwoman Draves- Absent, Councilwoman McHargue- Aye. Motion passed.

Councilwoman McHargue asked if the Deputy Clerk and Clerk Watkins could work on the claim book so that it could be approved soon.

Old Business

Nothing to report.

Good of the Order of the Community:

Tumblin stated that since the Park Department wants to move forward with the original playground equipment, we still need to ask for help with the border and the mulch for \$7,680. So, I would like to ask if the Town Council can help us with that. Councilwoman Bozak made a motion to approve \$7,680 to help the Park Department and come out of CEDIT.

Councilman McGraw stated until I see these books, I am not approving anything.

Travis 1244 Coan Street- I have a petition here signed by most of the residents on Coan Street. If you know or understand the difficulties that we have with in regards to the width of our street, I want to know if anything is being done with that. Councilman McGraw stated that the problem with that is we would have to push everyone's mailboxes back, and there are easements involved. Khalil stated that the reconstruction of any street requires a tremendous amount of cost to the Town of Burns Harbor itself. The Town of Burns Harbor could apply for a grant, and depending on what type of grant itself, it could be even more. A discussion was held with residents regarding the street and sewer issues on Coan Street.

Councilman Loving asked for the petition signed by residents on Coan Street to be included in the meeting minutes and noted. Also, if we can direct the engineer to look into grant opportunities for the widening of Coan Street. Khalil stated I can do that.

Petition from resident, Travis Keppen- 1244 Coan St., read as follows:

We the people listed below petition the Town of Burns Harbor to widen Coan St. to regulation size. The width of the road poses a safety hazard while driving and especially walking.

Travis Keppen
1244 Coan St.

Jerry Mansell
1245 Coan St.

Bryan Stubblefield
1243 Coan St.

Daniel & Kathy Egener
1230 Coan St.

Michael Frey
1254 Coan St.

Kien Stinnett
1240 Coan St.

Christen Sikora
1250 Coan St.

Angelica & Harry Lawbaugh
1232 Coan St.

Amber Szmuto
1241 Coan St.

Robert & Lena Alvarez
1238 Coan St.

Sam Sawaya
1242 Coan St.

Police Chief McHargue stated there was an invoice that came in from Circle "R" Electric, and they would like to be paid. I know there was a motion last month and it was approved to make a partial payment on it, but it seems to me the Town of Burns Harbor has not paid anything on it. It is my understanding that the generator has been approved, accepted, and is on site and working. This needs to be handled. Councilman Loving stated that after the meeting this Friday, I will have signatory ability and will get the check cut and signed.

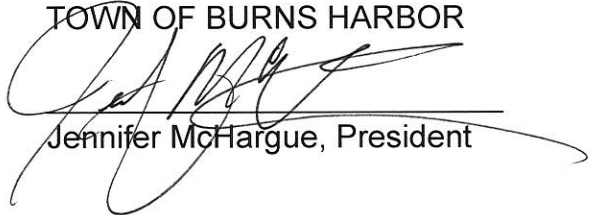
Councilwoman McHargue stated I know we had a committee to build this room. I would like to form a second committee to finish the interior and get things back up on the walls. It was determined that the committee would consist of Councilman McGraw, Councilwoman Bozak, and Police Clerk Watkins.

Building commissioner Lawson stated, just an update on Taco Bell regarding the ingress and egress. I reached out to INDOT and asked what would be a good potential solution to that situation of pulling out onto US Hwy 20. I requested that traffic delineators be put out there. They responded and said they put this in front of their traffic and permits team, and what was constructed is not what was in the approved plans. They are weighing what the proper action will be, but will be addressing in one-way delineators as suggested or another, requiring them to reconstruct per approved plans. So, that is in the process of getting straightened out. The superintendent asked about an occupancy permit, and I told him that until this situation is resolved, I cannot release that.

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

There being no further business to discuss, the meeting concluded at 8:18 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:

Michelle Watt

Michelle Watkins