

The Town Council of the Town of Burns Harbor, Porter County, Indiana met in its regularly scheduled session on Wednesday, August 14, 2024 in the Town Hall and streamed electronically with Zoom. The meeting was called to order by Council President Jennifer McHargue at 7:00 p.m.

The Pledge of Allegiance to the American Flag was recited.

Roll Call: Councilwoman Roseann Bozak ----- Present
 Councilwoman Lisa Draves ----- Present
 Councilman John (Jack) McGraw ----- Present
 Councilman Nicholas Loving-----Present
 Councilwoman Jennifer McHargue --- Present

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

Additional Officials Present Attorney Clay Patton, Town Engineer Jeanette Hicks, Town Marshal Jeremy McHargue, Park Board President Kylan Tumblin, and Interim Sanitary Superintendent Adam Friday

Approval of Minutes:

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

Reports:

Town Council:

Nothing to report.

Clerk-Treasurer:

Nothing to report.

Town Attorney:

Nothing to report.

Town Engineer:

Hicks said that CCMG 2023-2 paving project is still underway. There was a blocked culvert on the south side of Haglund Road that was replaced on the 23rd or 24th. Hopefully that will have a good improvement on the water flow on the south side of the road. Because of the change of the scope of work, they did ask for a slight time extension on the contract. I will have that change order at the next Council meeting. We are going to be under budget on this project, I cannot say by how much at this time, but you will get some of that money back that you can reallocate to other projects. I have an invoice with me that is not included in the APVs. I did not have it ready for last month's meeting because I was out of town. What this is, is a partial payment, and we will still be getting some more invoices from them. The invoice is a total of \$323,837.61. I included a letter recommending approval with this invoice. It sounds like you may just need to make a motion to pay the invoice during the meeting. Next year's cycle for the grant application was submitted before the deadline. We identified nineteen locations, and we assist the town with rating all the streets and give pacer numbers between one to ten- ten being the best, one being the worst. From there, we try to go from worst to best; and, for this next paving cycle, we identified nineteen locations- which is about 2.5 miles total paving with an estimated cost of \$788,000.00. If awarded, the Town will receive a seventy-five percent grant; which means the state would award the Town \$591,000.00; and the remaining balance will be the Town's responsibility to pay.

Councilman Loving made a motion to approve project IN23001.03 in the amount of \$323,837.61. Councilwoman Draves seconded the motion. Councilwoman Bozak – aye. Councilwoman Draves – aye, Councilman McGraw – aye, Councilwoman McHargue – aye. Councilman Loving – aye. **Motion passed**

Hicks clarified that the number provided is their company's project number to avoid any future confusion.

Building Department:

Nothing to Report

Street Department:

Downey said that they are keeping up with brush pickup every Monday. There was an issue with the bore line that we had discovered in the stormwater pipe on Haglund. NIPSCO was out the other day, and it has been determined that it is a water line. American Water will be notified. We are getting stuff ready for the Fall. Councilwoman Draves said she was told: Circle R, once they get the truck fixed, will bring it back to us.

Police:

Chief McHargue said he would like to touch base on yesterday's traffic control. Unfortunately, with the closing of I-94 in both directions, there is absolutely nothing we can do to alleviate that amount of congestion that gets dumped into Burns Harbor. We ended up with every roadway at a standstill, no matter what we did. The traffic resulted in two crashes due to the congestion. There were complaints about the semi-trucks on Haglund Road. The problem we ran into was the more trucks we stopped, the worse traffic got and we had citizens that were driving through other citizen's yards to get around the trucks. We tried to stop the semi-trucks on 149, and the citizens then thought it was in their best interest to start traveling southbound on the northbound lanes crossing over I-94. We felt it was more imperative to keep drivers in their own lanes as to stopping those semis. In total, we cited four semis- one of which believed that our Police Department set up the truck drivers to get tickets, because the highway was closed, and they only had one way to go. They were indicating that Haglund Road was the only way of travel. I just want to be clear that US Highway 20, State Road 149, and US Highway 12 were all open during that time; and, in no way, did we direct semis onto Haglund Road at any point in time. I am happy to say, the traffic has gotten much better today.

Fire:

No Report

Sanitation:

Friday said we finally got the new flow meter installed into lift station two. Gasvoda will be here on Friday to get the final Telemetry hooked up. We are having issues with the flow meter and Scadata communicating, so Gasvoda will be here to rectify that. Thank you to Brandon Downey, and the guys who finally gave me a place to put my generator at lift station one over by Shadyside. We have our lift station there, and there was no place to park the generator backup without being in a roadway.

Stormwater:

Downey said he does believe that Global still has the MS4 structures through Town currently, and he is going to be getting some quotes ready for street sweeping again this fall.

Park:

Tumblin said that the beach is now only open from 10:00 a.m. until 6:00 p.m. on the weekends through Labor Day; after that, we will be closing the season.

Redevelopment Commission:

Councilwoman Bozak said that the RDC met prior to this meeting, and that they awarded the transportation planning service contract to Global Engineering. We are also going to be working to coordinate with the park for the Town picnic this year- which will be on September 22nd. We also plan on doing the trail opening on the same day as, hopefully, everything falls in line and everything is ready to go. Brandon, I need to coordinate that with you, we should be hearing from Gariup soon regarding placing and getting the amenities for the trail head. They are all built, and they just need to come pick them up. They are working on their punch list; everything is almost done; and everything is going great.

Shared Ethics:

Nothing to report

Correspondence:

IDEM – Notice of Public Comment MonoSol Duneland Plant sent July 16th.
 IDEM - Notice of Public Comment US Steel Midwest Plant sent July 17th.

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

Resolution 2024-05 Appropriation Transfer

RESOLUTION 2024-05

TOWN OF BURNS HARBOR APPROPRIATIONS TRANSFER

BE IT HERBY RESOLVED BY THE TOWN COUNCIL of the TOWN OF BURNS HARBOR, PORTER COUNTY, INDIANA that the following transfers of funds be made from the 2024 budget:

General Maintenance:

\$500.00 from Instruction, 3-311 into

Gravel, 3-232

\$1,000.00 from Travel Expenses 3-131 into Other Supplies, 3-243

General Town:

\$2,375.00 from Engineering, 01-315 into Cell Phone, 1-128

\$17,803.73 from Engineering, 01-315 into Audit of Books, 1-312

\$155.00 from Legal Services, 1-

314 into Freight, 1-321

\$1,000 from Other Equipment, 1-444 into Telephone, 1-323

Sewage:

\$377.25 from Travel, 12-131 into Audit of Books, 12-312

\$700.00 from Instruction, 12-311 into Other Supplies, 12-243

\$3,000.00 from Miscellaneous Services, 12-392 into Sludge, 12-393

General Fire:

\$575.00 from Travel Expenses, 4-131 into Cell Phone, 4-128

\$2,500.00 from Miscellaneous Services, 4-392 into Equipment Repairs, 4-362

Park:

\$3,000.00 from Insurance, 9-342 into Teen Wages, 9-114

\$512.99 from Insurance, 9-342 into Building Materials, 9-231

\$1,000 from Insurance, 9-342 into Miscellaneous Services, 9-392

\$475.00 from Gasoline, 9-221 into Oil, 9-222

\$16.20 from Gravel, 9-232 into Stationary, 9-212

General Marshal:

\$3,000.00 from Subscription, 2-391 to Miscellaneous Services, 2-392

Councilman Loving made a motion to adopt Resolution 2024-05. Councilwoman Bozak seconded the motion. Councilwoman Bozak – aye. Councilwoman Draves – aye. Councilman McGraw -- aye. Councilwoman McHargue – aye. Councilman Loving – aye.
Motion passed

Resolution 2024-06 Amendment to 2024 Salary and Wages

Councilman Loving made a motion to Adopt Resolution 2024-06. Councilwoman Draves seconded the motion. Councilwoman Bozak – aye. Councilwoman Draves – aye. Councilman McGraw – aye, Councilwoman McHargue – aye. Councilman Loving – aye.
Motion passed

Ordinance 324-2024 Establishing the Burns Harbor 1977 Police Pension Fund and establishing a Board of Trustees for management for the Town of Burns Harbor 1977 Police Pension Fund.

Will continue in September.

New Business:

Staff anniversary recognition:

Councilwoman McHargue said that Building Clerk Lori McCormick has been with the town for twenty-five years.

Auction of old Town generator:

Councilwoman Draves asked that, once we receive the generator, can we also put together a list from the other departments- listing any additional items they may have to be auctioned-off. She then asked department heads to email a list to the Council. I received an email this morning from Adam Grass with Circle R stating that they have everything installed, but we are now waiting for the startup team to give us a date that they can send a technician out to certify the unit. As soon as he gets that date, he will let me know and then we are done with that and they can be paid.

Schedule 2024 budget workshop meetings:

Councilwoman McHargue confirmed that the budget meetings are scheduled for August 19th and 20th.

Appointment of Indiana Dunes Tourism Board:

Councilwoman McHargue said that we had received a letter from Laura Mandel expressing interest in the Indiana Dunes Tourism Board chair. Porter and Chesterton have both appointed her.

Councilwoman Draves made a motion to appoint Mandel to the Indiana Dunes Tourism Board. Councilman Loving seconded the motion. Councilwoman Bozak – aye. Councilwoman Draves – aye, Councilman McGraw – aye, Councilwoman McHargue – aye. Councilman Loving – aye. Motion passed

Attorney Patton clarified that this is a Tri-Town appointment.

Susan Alyea Training Contract Extension:

Clerk-Treasurer Migliorini said that Ms. Alyea was approved at eighty hours at the June meeting and we are currently at seventy hours of training. I wanted to see about approving additional time for training at this time. There is still quite a bit of work that needs to be done in regards to budgets.

Councilman Loving made a motion to extend the contract with Ms. Alyea for an additional forty hours, not to exceed 1,800 hours. Councilwoman Draves seconded the motion. Councilwoman Bozak – aye. Councilwoman Draves – aye, Councilman McGraw – aye, Councilwoman McHargue – aye. Councilman Loving – aye. Motion passed

Approval of July 2024 Financial Report:

Councilman Loving made a motion to Approve the July 2024 Financial Report. Councilwoman Bozak seconded the motion. Councilwoman Bozak – aye. Councilwoman Draves – aye, Councilman McGraw -- abstain. Councilwoman McHargue – aye. Councilman Loving – aye. Motion passed

Approval to pay vouchers with 3 or more signatures:

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

Councilwoman Bozak seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves- Aye, Councilman, Councilman McGraw – Aye, Councilman Loving – Aye, Councilwoman McHargue –Abstain. Motion passed.

Approval of purchase orders submitted with 3 or more signatures:

Councilwoman Bozak made a motion to approve all purchase orders submitted to the

Council with three or more signatures. Councilwoman Draves seconded the motion.

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

Old Business:**2024 Fire Contract:**

Councilwoman McHargue said the contract will remain the same as we have had, the only changes that will be made are regarding the 2024 calendar year.

Councilwoman Draves made a motion to approve the Fire contract for 2024. Councilman Loving seconded the motion.

Councilman Loving asked attorney Patton if he had reviewed the contract. Patton said he has; it was sent to him this afternoon. It had a date from today through November 30th, and I talked to the Council president about this. We have been operating since the first of the year without a contract, so my suggestion was to say calendar year 2024; rather than say a date of today, because it has been since January 1st. Rather than end it November 30th, it is my understanding that there is a desire to continue negotiations and to have contracts be renewed in November, so it is not an end of the year rush. There is a payment by December 15th, which I believe is historically how it has been; but, other than that, I do not know what changes there were to the prior contract. Councilwoman McHargue said that the previous Clerk wanted to have a financial statement included; but we are not longer operating an ambulance service; so, we just went back to our contract.

Councilman Draves made an amended motion to change the dates on the fire contract to the calendar year of 2024. Councilman Loving seconded the motion. Councilwoman Bozak – aye. Councilwoman Draves – aye, Councilman McGraw – aye, Councilwoman McHargue – aye. Councilman Loving – aye. Motion passed

Attorney Patton clarified that we have had fire service from January 1st through today, as well.

EVP System Agreement:

Tabled until September meeting.

Fill open positions:

We still have an open chair for the Shared Ethics Committee, as well as an open seat on the Sanitation Board. We are looking for a resident that is a registered professional engineer to sit on the Sanitation Board. They are not required to do engineering work.

Good of the Order of the Community:

Councilwoman Draves presented quotes provided from Chief Nowacki for new computers from Always a Solution and Brainstorm. He is trying to make all the Fire Department computers uniform. Chief McHargue added that the Porter County Dispatch System has been changing our CAD software for the past two years, but there is a launch date allegedly coming soon. The computers they have will not function with the new program. The Police Department's computers have been working; ours are currently up to date; but the Fire Department's are not. The minute they make that change, the new CAD system will not work on the Fire Department's computers. Councilwoman asked Clerk-Treasurer Migliorini if there are funds to cover the computers. Migliorini said she will look into it. Chief McHargue said that the first launch date was two and a half years ago, and there have been several since then, but it is honestly about importing the old data that is in the system, and that is where their hangup is. There is not a current launch date, but that is expected to be done by the end of the year. They could not just drop it on your lap. It is my understanding that they could approve this at the budget meeting.

Councilman Loving said the first day of school is coming up quickly; the stop arms on buses are not optional so please be sure to drive safely. Chief McHargue said that Phantom Fireworks donated both an amount to the Burns Harbor Police Department as

well as the Burns Harbor Fire Department, and I would like to thank Phantom Fireworks for thinking about us.

Councilman Loving asked if anyone else would like to speak at this time. Resident Chad Huffman, at 306 Lively Lane, said that he has been a resident of the Town of Burns Harbor for seventeen years now. I would like to know what anyone on the Council has to say about the proposed Microsoft Data Center. Councilman Loving said the request was made by the petitioner to the Plan Commission, and the Plan Commission must work it through their process before anything comes to the Council. We cannot speak on it until the matter officially comes to the Town Council, so we are not seen as trying to influence the Plan Commission in any way. At this time, we cannot make any comments until it has been through the Planning Commission. Huffman asked when the next Plan Commission meeting was; Loving responded September 9th at Duneland Falls at 6:00 p.m.

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

There being no further business to discuss, the meeting concluded at 7:40 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