

Burns Harbor Town Council
Regular Meeting
January 8, 2020

The Town Council of the Town of Burns Harbor, Porter County, Indiana met in its regular session on Wednesday, January 8, 2020 in the Town Hall. The meeting was called to order by Council President Nicholas Loving at 7:00 p.m.

The Pledge of Allegiance to the American Flag was recited.

Roll Call: Toni Biancardi ----- Present
Roseann Bozak ----- Present
Eric Hull ----- Present arrived later to meeting
Nicholas Loving ----- Present

Clerk-Treasurer Jane Jordan was present. A quorum was attained.

Additional Officials Present: Attorney Clay Patton, Town Marshal Mike Heckman, Street Superintendent Pat Melton, Fire Chief/Sanitation Superintendent William Arney, Building Commissioner Robert Wesley, and Park Board Representative Angie Scott.

Also, Present: Lily Rex of the Chesterton Tribune

Councilman Loving welcomed Councilwoman Bozak.

Councilman Loving and Councilwoman Biancardi expressed words in memory of the recent passing of lifelong Burns Harbor resident, former Fire Chief and Councilman Raymond Poparad August 19, 1954 – December 13, 2019.

Approval of Minutes:

Councilwoman Bozak made a motion to approve December 11, 2019 meeting minutes. Councilwoman Biancardi seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Absent, Councilman Loving – Aye.

Motion passed.

Councilwoman Biancardi made a motion to approve January 1, 2020 meeting minutes. Councilwoman Bozak seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Absent, Councilman Loving – Aye.

Motion passed.

Reports:

Councilwoman Biancardi informed the Council she attended the first Duneland Economic Development Corporation (DEDC) meeting of the year.

Attorney Patton informed the Council that law partner Ana Osan was appointed to replace Magistrate DeBoer therefore, Osan & Patton, LLC will be replaced by Patton Law, LLC. Attorney Michael Brazil will start later this month with Patton Law, LLC. Attorney Brazil will attend meetings in February with Attorney Patton, then begin handling some of the same matters the previous associate attorney handled, for the town, in the past.

Building Commissioner Wesley informed the Council that December was a busy month; copies of this report as well as the yearend reports are in the Council members' mailboxes. Councilman Loving asked for a status report of Rainbow Community and the unpaid violations of Mr. Pasternac. Building Commissioner Wesley informed the Council that his office has not heard from Mr. Pasternac nor have any of the violations been addressed or tickets paid. The violation tickets mailed last month were signed as received by someone. Rainbow Community's state operating license is expired and the Building Department is not sure the State's course of action. The Town is waiting the hear back from the State's Health Department Inspector, Doug Williamson. Councilman Loving stated so as in the report the problems have not been abated. There has been zero progress. Building Commissioner Wesley stated zero.

Street Superintendent Melton informed the Council the department was busy trimming trees and picking up litter from the roadsides. Residents can leave their live Christmas trees on the curb and the department will pick them up.

Town Marshal Heckman informed the Council the department will be submitting a purchase order to replace cameras.

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Fire Chief Arney gave the Council a status on the ladder truck that failed hydraulic testing.

Sanitation Superintendent Arney informed the Council the department continues to monitor and work on odor control issues.

Park Board Representative Angie Scott informed the Council the new playground equipment has been installed on the east side of Lakeland Park and the next movie night will be January 17th from 6:00 p.m. to 8:00 p.m. Councilwoman Bozak informed the Council that two new Lakeland Park directional signs have been installed on US 20. The Street Department has agreed to assist in installing additional signage on Haglund Road and State Road 149. Councilwoman Bozak made a motion to increase the Park Board members' annual stipend of \$750 for 2020. Councilwoman Biancardi seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Absent, Councilman Loving – Aye. **Motion passed.**

Councilwoman Biancardi informed the Council that the Redevelopment Commission has requested bids for tree removal along the proposed trail route. The tree removal must take place before March 31st due to endangered bats' habitat in the area.

Shared Ethics Advisory Commission Representative Sarah Oudman informed the annual report will be available in January. Save the date, the 2020 Summit will be April 9th.

The following purchase orders were presented for discussion: purchase orders #2710, 2711, and 2717.

Correspondence:

IDEM – Notice of Public Hearing – AOC, LLC Porter County
DNR – Floodplain Administrator for 2020
AIM – 2020 membership dues

Councilwoman Biancardi made a motion naming Robert Wesley the Burns Harbor Floodplain Administrator and future DNR Floodplain correspondence be addressed to Council President Loving. Councilwoman Bozak second the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Absent, Councilman Loving – Aye. **Motion passed.**

Councilman Hull arrived at 7:22 p.m.

Council discussed the increase in AIM 2020 dues. Councilwoman Biancardi will contact AIM and report back at the next meeting.

Presentations, Resolutions, Ordinances and Remonstrance:

Ordinance 295-2020 Amending the Text of Chapter 15 Zoning Concerning Detached Accessory Buildings:

Councilman Hull informed the Council that the Planning Commission sent the ordinance with a favorable recommendation. This ordinance changes the requirement for shed pads to match state code.

Councilwoman Biancardi made a motion that the Town adopts **Ordinance 295-2020 An Ordinance of the Burns Harbor Town Council Amending the Text of Chapter 15 Zoning Concerning Detached Accessory Building Within the Town of Burns Harbor, Indiana**

Whereas, the Burns Harbor Town Council has adopted a Zoning Ordinance codified as Chapter 15 of the Town Code of Burns Harbor, Indiana; and

Whereas, the Burns Harbor Advisory Plan Commission has initiated certain amendments to the text of the Zoning Ordinance in order to better regulate Detached Accessory Buildings in the Town; and

Whereas, notice has been given in accordance with Indiana Code of all proceedings concerning these text amendments; and

Whereas, a public hearing has been held before the Burns Harbor Advisory Plan Commission and said Commission has paid reasonable regard, in preparing and considering the proposal, to the factors set forth in I.C. 36-7-4-603, including the Comprehensive Plan; and

Whereas, the Commission now certifies its proposal to amend the text portions of the Zoning Ordinance to the Burns Harbor Town Council; and

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Whereas, the Burns Harbor Town Council concurs with its Advisory Plan Commission and accepts this proposal;

Now Therefore, be it and it is hereby ordained by the Burns Harbor Town Council as follows:

Section 1. That section 15-13-6 of the Town Code of the Town of Burns Harbor Zoning Ordinance shall be amended to read as follows:

15-13-6 Detached Accessory Building

Detached Accessory Buildings shall conform to the standards found within each corresponding zoning district, provided that the development standards contained in this section shall not apply to detached accessory structures used for storage, so long as the structure is two hundred (200) square feet or less in total size.

- A. All detached Accessory Buildings shall be behind the Rear Principal Building Line and may be erected within five (5) feet of a side or five feet (5) of a Rear Lot Line so long as it is not within a recorded Easement.
- B. The design of the Accessory Building shall be in character with the Principal Building and constructed of the same quality permanent materials as the Principal Building including structurally sufficient concrete slab and/or pad per Indiana Code. The Accessory Building shall be located on the same lot and within close proximity to the Principal Building. Where such Building exceeds 200 square feet in area, at least a third of the Building's exterior perimeter shall be landscaped in the same manner as the principal facility.

Section 2. This Ordinance shall be effective upon its adoption and publication.

Councilman Hull seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak -Aye, Councilman Hull – Aye, Councilman Loving – Aye. **Ordinance 295-2020 passed on its first reading.**

New Business:

Staff anniversary recognition:

Council recognized the following employees' years of service whose anniversary date is in January: Shayna Dujmovich 5 years, Jeremy McHargue 7 years and Robert Wesley 8 years.

2019 Encumbered purchase orders:

Councilwoman Bozak read the list of 2019 purchase orders that will be encumbered for payment in 2020.

PO#	Vendor Name	Description	Fund Name	Encumbered Amount
2729	Lakeshore Ford	2020 F150 Police Responder	General/Police	\$ 21,138.58
2734	Chesterton Stone	Aglime, dirt, mulch	Park Fund	3,500.00
2735	Frontier Lawn	Gator repair	Park Fund	1,530.11
2736	Office Max/Horizon CC	Printer/scanner/fax	Park Fund	999.00
2737	Parkreation	Fiber mulch	Park Fund	1,131.00
2738	Life Time/Horizon CC	6 6foot banquet tables	Park Fund	647.94
2717	Conserv FS, Inc.	Road salt	MVH Fund	20,302.32
2733	RV Sutton, Inc.	Storm repair Old Porter Road	CCI Fund	55,000.00
Total Amount Encumbered:				\$ 104,248.95

2019 Park donations:

Clerk-Treasurer Jordan informed the Council that the Park used nine thousand two hundred forty dollars (\$9,240.00) of their donations for the 2019 year.

2019 Fire Department donations:

Clerk-Treasurer Jordan informed the Council that the Fire Department used twenty-one thousand seven hundred thirty-eight dollars (\$21,738.00) of their donations in 2019.

2019 Police Department donations:

Clerk-Treasurer Jordan informed the Council that the Police Department spent twenty-six hundred thirty-five dollars and nineteen cents (\$2,635.19) in donations for the 2019 year.

2020 Uniform Conflict of Interest Disclosures:

Clerk-Treasurer Jordan explained the State required process elected officials need to follow when a conflict of interest occurs.

There were no conflicts reported at this time.

2020 Financial service contract:

Council tabled the matter until contract is available for review.

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2020 Cleaning service contract:

Councilwoman Biancardi made a motion that the Town approves the 2020 cleaning service contract with BT Cleaning as submitted. Councilman Hull seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye. **Motion passed.**

Duneland School property farmland lease renewal:

Attorney Patton reminded the Council that the lease agreement signed last year was from April 1, 2019 through January 31, 2020. The lease does not automatically renew. The Council agreed to contact the tenant sixty (60) days prior to March 31, 2020 regarding renegotiating a new term.

Councilman Hull stated we want to talk to him, based upon how the development team feels things are progressing. They want to keep the land active so, it may get a planting. If you let it sit it becomes a wetland. We'll work with him and come up with something for a new contract for this year if they have a desire to do so.

Clerk-Treasurer Jordan confirmed that the tenant made the two 2019 rental payments.

Acceptance of Trail Creek Phase II sanitary sewers:

Councilwoman Biancardi informed the Council that this matter was sent with a recommendation from Planning Commission after receiving it from the Sanitation Board. Sanitation Board made sure that everything was in order, the Town has their as-builts, their video, certifications of all of the tests. What might be missing tonight is the maintenance bond for \$1,560.

Clerk-Treasurer Jordan stated the Town is not in receipt of a maintenance bond for Trail Creek Phase II.

Councilwoman Biancardi stated then it needs to be tabled. We would not accept the infrastructure without having it in hand and he (Developer Pat Kleihege) is aware of that.

Councilman Loving stated he was made aware of that Monday night. We will table that for February.

Approval to Pay Vouchers:

Councilman Hull moved to approve all vouchers with three or more signatures. Councilwoman Bozak seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye. **Motion passed.**

Approval of Financial Report:

Councilwoman Biancardi made a motion to approve the December 2019 financial report. Councilman Hull seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye. **Motion passed.**

Old Business:

Appointment of Town Boards for 2020:

Councilwoman Biancardi made a motion to reappoint Timothy Minier to the Board of Zoning Appeals (Council appointment, term expires December 31, 2023). Councilman Hull seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye. **Motion passed.**

Councilwoman Biancardi suggested that two Council members and a BZA member conduct interviews of the three other applicants to determine who should fill the other vacant seat.

Councilwoman Bozak informed the Council that members of the Park Board plan to meet with the applicants interested in filling the vacant seats on their Board and make a recommendation to the Council at their next meeting.

Councilwoman Biancardi made a motion that the Town appoints Andy Bozak to complete Roseann Bozak's term (R) expiring December 31, 2022. Councilman Hull seconded that motion. Councilwoman Biancardi – Aye, Councilwoman Bozak- Abstain, Councilman Hull – Aye, Councilman Loving – Aye. **Motion passed.**

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Councilwoman Biancardi made a motion that the Town appoints Sarah Oudman to the Planning Commission ((R) Council appointment, term expires December 31, 2023). Councilwoman Bozak seconded the motion. Clerk-Treasurer informed the Council that the position that Sarah currently holds on the Shared Ethics Commission requires that she not be employed or hold any other board seat for the Town. Sarah Oudman indicated she would resign her position on the Shared Ethics Commission in order to sit as a Planning Commission Member. Councilman Hull stated over time and Ray (Poparad) was big on it and pounded in my head, no developers and builders and different people that want to participate in planning and administration of those types of activities in town. I understand that mindset because, we have watched other towns that have struggled with that. However, I believe that the individuals that are trying to do things here in town have the better good in mind. Sarah has been an excellent example of that. She comes to more meetings than any of us do. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye. **Motion passed.**

Councilwoman Biancardi informed the Council that there are a couple of people interested in the Sanitary Board open seat and would like to interview those applicants before making a recommendation.

Councilwoman Biancardi would like to look at state code to see if one of the residents sitting on Sanitary Board could also sit on the Storm Water Board. She will report back at next Council meeting.

Attorney Patton recommended that every town board meet in January to re-organize rather than waiting until there is other business to meet.

2020 Salary ordinance amendment:

Councilman Hull made a motion that the Planning Commission/Board of Zoning Appeals/Redevelopment Commission Secretary receive a monthly cell phone allowance as described in the town's personnel policy and salary ordinance. Councilwoman Bozak seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye. **Motion passed.**

Councilwoman Biancardi made a motion that the Fire Department Secretary salary be increased by \$1,000 for 2020. Councilman Hull seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye. **Motion passed.**

2020 Community Crossing Grant bids:

Councilwoman Biancardi informed that Town Engineer Martin Bobcek submitted, to the Town, a proposed schedule. If agreeable, and we follow the schedule, the Town will be on track to make sure that we can use the money that we were awarded from INDOT. The proposed schedule is that on January 20th the plans are complete with the first advertisement for bids, seconded advertisement will appear on January 27th, January 29th would be a pre-bid meeting, bid opening on February 10th, bid recommendation and award scheduled for February 12th Town Council meeting. Engineer Bobcek believes that would keep the Town on track to award the bid within the four (4) months from receipt of the grant.

Councilman Hull made a motion that the Town authorizes the schedule as proposed and the Town begins the 2020 roads project bidding process. Councilwoman Bozak seconded the motion. Councilman Hull seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye. **Motion passed.**

Good of the Order of the Community:

Brian Lewandowski and Mark Cergizan expressed interest in purchasing property in Burns Harbor on U.S. 20 and where they might open an auto shop.

Councilwoman Bozak made a motion that we adjourn. Councilwoman Biancardi seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye. **Motion passed.**

There being no further business to discuss, the meeting concluded at 7:51 p.m.

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Approved at February 12, 2020 meeting.

TOWN COUNCIL OF THE
TOWN OF BURNS HARBOR
Nicholas Loving, President
Eric Hull, Vice-President
Toni Biancardi
Roseann Bozak
Angie Scott

ATTEST:
Jane M. Jordan, IAMC, MMC, CPFA, CPFIM
Clerk-Treasurer