

Burns Harbor Town Council
Re-scheduled Meeting
March 18, 2020

The Town Council of the Town of Burns Harbor, Porter County, Indiana met in its re-scheduled session on Wednesday, March 18, 2020 in the Town Hall. The meeting was called to order by Council President Nicholas Loving at 6:00 p.m.

The Pledge of Allegiance to the American Flag was recited.

Roll Call: Toni Biancardi ----- Present via teleconference
Roseann Bozak ----- Present via teleconference
Eric Hull ----- Present via teleconference
Nicholas Loving ----- Present
Angie Scott ----- Present via teleconference

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

Additional Officials Present: Attorney Clay Patton

Additional Officials Present via Teleconference: Town Marshal Mike Heckman, Fire Chief/Sanitation Superintendent William Arney, and Building Commissioner Robert Wesley.

Councilman Loving announced that the Council is able to meet electronically due to Governor Holcolm's Executive Order 20-04 Section 5 Public Meetings/Open Door Laws.

5. Public Meetings/Open Door Laws

Public meetings conducted pursuant to Ind. Code § 5-14-1.5 *et seq.* should be limited to only essential matters critical to the operations of the governmental agency or entity for the duration of this public health emergency;

All specific statutory deadlines requiring a governing body to meet during the public health emergency are suspended for the duration of the emergency insofar as cancellations do not disrupt essential government decisions or services or when meetings are otherwise required by federal law;

All governing bodies of public agencies may suspend the requirement of explicitly adopting a policy for electronic participation and reduce the number of members required to be physically present to one member only (See Ind. Code § 5-14-1.5-3.6(c), (f), (g) & (h)). Entities should also adhere to the CDC guidance on gatherings and make efforts to allow the public to participate electronically, if feasible. All other provisions of Ind. Code § 5-14-1.5 *et seq.* remain in effect;

All governing bodies of public agencies may post notices and agendas for meetings solely by electronic means for the duration of this public health emergency; and

Any political subdivision or entity subject to the provisions of Ind. Code § 5-14-1.5-3.5 may comply with the provisions of section 3.6 as modified by this Order in conducting public meetings for the duration of this public health emergency.

Councilman Loving welcomed Councilwoman Angie Scott to her first meeting.

Approval of Minutes:

Councilwoman Biancardi made a motion to approve February 12, 2020 meeting minutes. Councilman Hull seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye. Councilwoman Scott – Aye. **Motion passed.**

Public Hearing:

Reestablish CCD tax rate:

Councilman Loving opened the public hearing at 6:04 p.m.

Councilman Loving asked if there are any comments for or opposed to the rate increase.

No public was present in the audience. There were no comments from those participating by telephone.

Resolution 2020-03 A Resolution Reestablishing the Cumulative Capital Development Fund for the Town of Burns Harbor, Indiana

Councilman Hull made a motion that the Town adopts **Resolution 20-03**

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A Resolution Reestablishing the Cumulative Capital Development Fund for the Town of Burns Harbor, Indiana

WHEREAS, I.C. 36-9-15.5 allows municipalities to establish, by ordinance, a Cumulative Capital Development Fund, and;

WHEREAS, the Town of Burns Harbor (hereinafter referred to as the “Town”) by its Town Council passed Ordinance No. 124 on July 26, 1989 establishing a Cumulative Capital Development Fund for the Town, and;

WHEREAS, the Burns Harbor Town Council believes there to be a public need to reestablish the Town’s Cumulative Capital Development Fund in order to promote the well-being, public health, welfare and safety of the Town.

NOW THEREFORE BE IT RESOLVED, by the Burns Harbor Town Council, of Porter County, Indiana as follows:

Section 1: The Cumulative Capital Development Fund of the Town adopted in 1989 is reestablished in accordance with the terms and provisions of this Resolution.

Section 2: An ad valorem property tax levy will be imposed as stated herein and the revenues derived from the levy will be retained in the Town Cumulative Capital Development Fund until such time as they are properly expended.

Section 3: The maximum rate of tax levy will not exceed four cents (\$.0400) on each one hundred dollars (\$100.00) of assessed valuation for calendar year 2021, 2022 and 2023 and thereafter as required by law.

Section 4: That the funds accumulated in the Town Cumulative Capital Development Fund may be used for any of the purposes permitted by the laws of the State of Indiana, or any amendments thereto, including those enumerated in I.C. 36-9-15.5.

Section 5: Subject to the approval of the Burns Harbor Town Council and any authorized agencies of the State of Indiana, all for the revenues raised from the tax rate authorized by this Resolution shall be imposed and collected outside of the Town’s current tax levy to the extent permitted by law.

Section 6: The proofs of publication of the public hearing held on the 18th day of March, 2020, and a certified copy of this Resolution will be submitted to the Department of Local Government Finance of the State of Indiana as provided by law.

Section 7: The reestablishment of the Town Cumulative Capital Development Fund shall take effect upon approval of the Department of Local Government Finance of the State of Indiana.

Passed and adopted by the following vote of the members of said Burns Harbor, Indiana Town Council this 18th day of March, 2020.

Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak -Aye, Councilman Hull – Aye, Councilman Loving – Aye. Councilwoman Scott – Aye. **Resolution 20-03 passed and was adopted.**

Councilman Loving informed there is now a thirty (30) day remonstrance period before the resolution will be forwarded to the State.

Reports:

Councilman Loving thanked the department heads for submitting their written reports. Those are on file if anyone has any questions please contact those department heads directly.

The following purchase orders were presented for discussion: purchase orders #2619, 2746, 2749, 2750 and 2751.

Correspondence:

IDEM – Receipt of Air Permit Application – Jett Corr DBA Pratt Industries, Valparaiso
IDEM – FESOP Re-open Administrative Amendment Approval – Mid Continent Coal & Coke Co.
Portage
IDEM – FESOP Renewal Approval – Rieth-Riley Construction Co, Valparaiso
IDEM – FESOP Administrative Amendment – AM Stabilizers, Valparaiso
Burns Harbor Redevelopment’s Annual Report pursuant I.C. 36-7-14-13
Burns Harbor Redevelopment’s Annual Treasurer’s Report pursuant I.C. 36-7-14-8

Presentations, Resolutions, Ordinances and Remonstrance:

None

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New Business:

Staff anniversary recognition:

There are no anniversaries to recognize in March.

Wave I.C. 36-10-3(c) party affiliation for members of the Park Board:

Councilwoman Scott made a motion that the Town waves I.C. 36-10-3(c) party affiliation for members of the Park Board. Councilwoman Bozak seconded the motion.

Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye. Councilwoman Scott – Aye. **Motion passed.**

Councilwoman Roseann informed that Park Board would like Brijean Hogge (R) term to expire December 31, 2021 and Carrie Morgan (R) term will expire December 31, 2020.

2020 Census:

Councilman Loving reminded everyone to complete their 2020 Census surveys by April first. It can be completed online.

Approval to Pay Vouchers:

Councilman Hull moved to approve all vouchers with three or more signatures. Councilwoman Biancardi seconded the motion. Clerk-Treasurer Jordan requested that the Council approve payment of claims for every Board, since some Boards have not met nor will they for some time. All claim books will be available in the Council Chambers for review. Councilman Hull amended his motion to approve all claims for all Boards with three or more signatures. Councilwoman Biancardi seconded the amended motion. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye. Councilwoman Scott – Aye. **Motion passed.**

Approval of Financial Report:

Councilwoman Biancardi made a motion to approve the February 2020 financial report. Councilman Hull seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye. Councilwoman Scott – Aye. **Motion passed.**

Old Business:

Shared Ethics Advisory Commission's 2020 Ethics Summit April 9th:

Councilman Loving tabled the matter to expedite the meeting.

Driver Policy:

Councilman Loving tabled the matter to expedite the meeting.

Shadyside Park status report:

Councilman Loving informed that Street Superintendent Melton has been at the park, pulled out all the unsafe equipment and is in the process of pulling out the guardrails. Shadyside Mobile Home is going to put a fence there. It is progressing nicely and the Department is doing a good job.

Duneland School property farm land lease renewal:

Attorney Patton informed the Council that the lease is to the same farmer, Robert Rhoda that has been leasing the property for the last several years before the Town purchased the land. Mr. Rhoda will continue farming so, it does not turn into a wetland. He added provisions to the 2020 lease incase the Town needs to do something on the property before the crops are harvested. The lease has a lesser amount for the payment isn't due until November.

Councilman Hull made a motion that the Town approves the 2020 lease between the Town and Mr. Rhoda and gives authority for Councilman Loving to sign the lease on behalf of the Town. Councilwoman Bozak seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

AIM 2020 Dues:

Councilman Loving tabled the matter to expedite the meeting.

INDOT Town road inventory status report:

Councilman Loving tabled the matter to expedite the meeting.

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Community Crossing Grant paving status report:

Councilman Loving tabled the matter to expedite the meeting.

Good of the Order of the Community:

Councilman Loving informed that the town offices are closed to public access indefinitely. The town staff is still working with the doors locked and tries to conduct business as normally as possible without having face to face interaction with the public. The Park is closed for rentals indefinitely until further notice.

Councilman Hull informed that he has done some research on streaming software for future meetings. Attorney Patton informed there are free apps available that might get the Town through this pandemic.

Councilman Loving encouraged everyone to take measures to stay safe and healthy.

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

There being no further business to discuss, the meeting concluded at 6:20 p.m.

Approved at April 8, 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