

Burns Harbor Town Council  
Regular Meeting  
January 13, 2021

The Town Council of the Town of Burns Harbor, Porter County, Indiana met in its regularly scheduled session on Wednesday, January 13, 2021 virtually with Zoom. The meeting was called to order by Council President Nicholas Loving at 7:08 p.m.

This meeting was made available to the public in accordance with Governor Holcomb's Executive Order 20-09. It was streamed using Zoom and on Facebook Live.

The Pledge of Allegiance to the American Flag was recited.

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

Clerk-Treasurer Jane Jordan was Present via Zoom. A quorum was attained.

**Additional Officials Present via Zoom:** Attorney Clay Patton, Town Engineer Martin Bobcek, Fire Chief/Sanitation Superintendent William Arney Building Commissioner Robert Wesley, Town Marshal Mike Heckman, and Park Director Burton.

**Approval of Minutes:**

Councilwoman Bozak made a motion to approve the meeting minutes of December 9, 2020. Councilman Hull seconded the motion. Councilwoman Biancardi – Absent, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

**Reports:**

Clerk-Treasurer Jordan informed the Council that the State's Department of Local Government Finance approved the Town's 2021 budget. The Town's 2021 tax rate is 0.3725 cents per hundred dollars of assessed valuation; down from 2020's 0.3789 cents. The Town's total tax rate for 2021, which includes the County, school district, library, etc. is \$1.9927 down 0.109 cents from 2020's \$2.1017. Revenue projections are expected to be lower due to the health emergency. Councilman Loving commented that it looks to be around five percent. You originally said plan for about eight percent. That is good news because it is only five? Clerk-Treasurer Jordan reminded that the Town will see decreases in riverboat taxes, fuel taxes, income taxes, when people were directed with stay at home orders. Hopefully our property taxes will be healthy but, we'll see.

Building Commissioner Wesley informed nothing more to report that is not already in the department's monthly report.

Town Marshal Heckman informed nothing more to report that is not already in the department's monthly report.

Fire Chief Arney informed nothing more to report that is not already in the department's monthly report.

Sanitation Superintendent Arney informed nothing more to report that is not already in the department's monthly report.

Park Director Burton informed things are quite at the Park and their department is working on maintaining equipment.

Redevelopment Commission President Hull informed the Council the RDC is working on signage for Phase 3 of the trail that although not entirely completed, is being used by the public. Visitors can park at the fisherman's parking lot and walk the trail but, please do not drive vehicles on the trail since it is not a road. The Town heard back from BP Pipeline pertaining to the Westport projects. BP would like the Town to pay \$750,000 to install extra protection at each road crossing the pipeline. The Board is working on a Plan B.

No purchase orders were presented for discussion other than the ones to be encumbered discussed later in the meeting.

Burns Harbor Town Council  
Regular Meeting  
January 13, 2021

**Correspondence:**

IDEM – Receipt of Permit Application – SMS Mill Services, LLC, Burns Harbor  
IDEM – Title V Administrative Amendment – Powder Processing Technology, LLC,  
Valparaiso  
IDEM – Notice of Public Comment – Linde, Inc, Burns Harbor  
AIM – 2021 membership dues

Councilman Hull made a motion the Town pays the AIM 2021 dues. Councilwoman Scott seconded the motion. Councilwoman Biancardi – Absent, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

**Presentations, Resolutions, Ordinances and Remonstrance:**

None were presented.

**New Business:**

**Staff anniversary recognition:**

Council recognized and thanked the following employees' years of service whose anniversary date is in January: Shayna Dujmovich 6 years, Jeremy McHargue 8 years, and Robert Wesley 9 years.

**Babcock Subdivision Phase II Lots 1 & 2 acceptance:**

Councilman Loving informed acceptance of Babcock Subdivision Phase II lots one and two was sent over by the Planning Commission with a favorable recommendation to accept pending verification of lot address 1140 and 1141 by the town engineer.

Town Engineer Martin Bobcek informed the Council that Town Engineer Jeanette Hicks sent an email with a letter confirming those addresses and that we accept the plat as is.

Councilwoman Bozak made a motion that the Town accepts Trail Creek Babcock Subdivision Phase II lots 1& 2 (1140 and 1141 Pin Oak Lane). Councilman Hull seconded the motion. Clerk-Treasurer Jordan stated I wanted to remind the Board that Phase I park land has been deeded to the Town but, the Town does not have possession of the deed to that property. Councilman Hull stated Mr. Kleihege, this is something that we overlooked in the Plan Commission meeting is that Jane (Clerk-Treasurer Jordan) has not received deed information and we need that. That goes along with the park donation. So, in order for us to get that over to you, we need to get that other deed. Can we do a trade? Mr. Kleihege stated I heard what you needed and I will get that to be transferred over to the Park Department. Councilman Hull stated get with Jane to see exactly what she needs. The County has it listed as our property. She just does not have the deed. Mr. Kleihege stated I will contact her tomorrow. Councilwoman Biancardi – Absent, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

**Appoint Department Liaisons for 2021:**

Councilman Loving announced the 2021 department liaisons are as follows:

Marshal Department -	Councilman Loving
Street/GM Departments -	Councilwoman Scott
Building Department -	Councilwoman Biancardi
Fire Department -	Councilman Hull
Park Department -	Councilwoman Bozak
Sanitation Department -	Councilwoman Biancardi

**2020 Encumbered purchase orders:**

Councilwoman Scott read the list of 2020 purchase orders that will be encumbered for payment in 2021 upon approval with three initials by the Council.

<b>PO #</b>	<b>Vendor Name</b>	<b>Description</b>	<b>Fund Name</b>	<b>Encumbered Amount</b>
2723	T&M Tire	2 Tires installed waiting for invoice	General/GM	\$ 562.00
2775	WS Darley & Company	10 Sets bunker gear	CCD Fund	25,785.00
2784	Conserv FS, Inc.	Salt & delivery	MVH Fund	23,485.84
2796	Dell	Tablet remaining balance after grant	General/Fire	1,321.44
2803	Service Supply Ltd	Benches, bike rack, etc.	NLT Grant Fund	12,055.00
2805	Frontier Lawn & Rec	John Deer gator diesel	Park Fund	17,398.00
2813	Horizon Credit Card Services	Digital message board (grant)	General/Town	2,675.00
2822	SEH of Indiana LLC	Balance of Ph3 RPR contract	NLT Grant Fund	169,555.00
2823	Gariup Construction	Balance contraction contract	NLT Grant Fund	788,690.37
<b>Total Amount Encumbered:</b>				<b>\$ 1,041,527.65</b>

Burns Harbor Town Council  
Regular Meeting  
January 13, 2021

**2020 Park donations:**

Clerk-Treasurer Jordan informed the Council that the Park used eight hundred ninety seven dollars and fifty four cents (\$897.54) of their donations during the 2020 year.

**2020 Fire Department donations:**

Clerk-Treasurer Jordan informed the Council that the Fire Department used twelve thousand four hundred seventy two dollars and forty six cents (\$12,472.46) of their donations in 2020.

**2021 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.

**Duneland School property farm land lease renewal:**

After discussion regarding Westport projects' timelines and planting season, Council consensus was to table further discussion on the matter until next month.

**Approval to Pay Vouchers:**

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

**Approval of December 2020 financial report:**

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

**Old Business:**

**COVID-19 Safety and Action Plan:**

Councilman Loving informed the Council that the Governor has extended the State's order through January 30<sup>th</sup>. The Town's next Council meeting is February 10<sup>th</sup>. The Governor's order authorizes the Town to meet remotely, all the other town protocols in place, are at our discretion.

Attorney Patton indicated he has had communications with other municipal attorneys and the public access councilor and understands there will be significant advanced notice when there is a drawdown on the authority to meet remotely as we are meeting right now. There will be plenty of advanced notice.

Councilman Hull asked rather than discuss this monthly, can we make a motion to continue to follow the guidelines of the Governor until he changes them.

Attorney Patton stated the problem is you don't know what is going to change and it is not a one size fits all as far as you wanting to have the Town Hall closed and by appointment, only one person in and all those things. The other big thing that affects you is the ability to meet remotely. I would suggest we just have this be a brief discussion at every Council meeting.

Councilman Hull made a motion to extend the Town's COVID emergency safety protocols though Friday, February 12, 2021. Councilwoman Scott seconded the motion. Clerk-Treasurer Jordan asked if the Council wants to have all the February Board meetings held remotely or if the Council plans to wait until their February meeting to make that decision. We are trying to be prepared so we can post signage at the Town Hall. Councilman Hull amended his motion to include all the Town Board meetings be held virtually for the month of February. Councilwoman Scott seconded the amended motion. Clerk-Treasurer Jordan informed the Council that the Town has an employee who has had COVID and now a family member has COVID. Our protocols say that if an employee is exposed, they must quarantine for ten days. The CDC website indicates that they are not required to quarantine for ten days if they have had COVID within a certain time period and show no symptoms. That employee has been quarantining but, I wanted to know if the Board

Burns Harbor Town Council  
Regular Meeting  
January 13, 2021

would be open to the idea of following the guidelines of the CDC rather than saying if you have COVID or been exposed, you must quarantine for two weeks. Councilman Loving stated I think follow the CDC guidelines. Councilman Hull stated yes, unless something that you are doing for prevention is more preventative and you are comfortable in making it work. I am not apposed to doing more as long as they are getting the job done. Councilman Loving stated let's follow the CDC guidelines. Councilwoman Biancardi – Absent, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

**Appointment to Town Boards:**

Councilman Loving informed that the remaining open board seats are presidential appointments and he is not prepared to fill those seats at this time. Matter tabled until next month.

**ADA transition plan review and status update:**

Tabled until next month when ADA Coordinator Councilwoman Biancardi is available to discuss the matter.

**Digital sign:**

Councilman Loving informed the Council that the digital message sign has been purchased and the Street Department is retrofitting the sign for our use.

Councilman Hull informed the Council it's a really nice sign; we got a good deal on it. All the Departments can use it. The Street Department is doing some sandblasting to fix it up. It needs about \$7,000 worth of work to it. There is a purchase order that will need signed.

Councilman Loving indicated this is an eighteen thousand dollar sign and we are going to be in it for less than ten thousand.

**December Property Tax Distributions:**

Clerk-Treasurer Jordan informed the Council the Town received its December property tax distribution on the 17<sup>th</sup> of December. With the distributions received in June and August, the total amount received for 2020 is ninety-six percent (96%) of our expected collections. It's not uncommon to receive less than the full amount, with delinquencies. I think we are in good shape to move forward with the 2021 budget.

**Capital and Economic Development Projects 2021 & 2022:**

Councilman Loving informed that IC 6-3.5-7 requires the Council to adopt at least a two year plan, which must be submitted to the County Auditor in order to receive CEDIT funds. I will have that for the February meeting so, we can go through the project list and make additions as necessary. It will be on the table in the office for everyone to go in and make notes.

**2021 Financial service contract:**

Clerk-Treasurer Jordan informed the Council that the proposed contract was emailed over today from BakerTilly. It was forwarded to the Council and Attorney Patton for review. There was no increase to the hourly rates from 2020.

Attorney Patton informed the Council he reviewed BakerTilly's proposed 2021 service contract and discovered a couple of references to the calendar year 2020 rather than 2021.

Councilman Hull made a motion that the Town approves the BakerTilly 2021 service contact pending the calendar year corrections. Councilwoman Scott seconded the motion. Councilwoman Biancardi – Absent, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

**Waiving waste water late fees due to State Health Emergency:**

Councilman Hull made a motion to affirm the waiving of sanitary late fees for the month of January due to Indiana's state of emergency. Councilwoman Bozak seconded the motion. Councilwoman Biancardi – Absent, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

Burns Harbor Town Council  
Regular Meeting  
January 13, 2021

**Ambulance service delinquency and hardship policies:**

Clerk-Treasurer Jordan informed the Council that Deputy Clerk Peffers and she have spoken to the billing company, Attorney Patton and his staff. Based upon those conversations, and the Council's suggestions in previous meetings, I have forwarded to the Council, Attorney Patton and Fire Chief Arney a revised draft of the collections and write off policy. The billing company's policy is that once a customer goes to private pay, they only invoice them four times. They stop billing but, the customer remains on the ageing report. The billing company has indicated to me that they would be willing to send us a list of the customers that are no longer being invoiced. Using that list, the Town could send a final letter reminding them of payment due and informing of the hardship process. If the Town does not receive payment, that customer would be forwarded to the Attorney for possible collections. Attorney Patton made suggestions on how to word the letter that we would send out to those customers prior to collections.

Councilman Loving asked just to clarify, Attorney Patton, you've reviewed this.

Attorney Patton stated yes, I have.

Councilman Hull made a motion to approve the Ambulance Service Collections and Write-off Policy. Councilwoman Scott seconded the motion. Councilwoman Biancardi – Absent, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

**Rainbow Community Mobile Home Park condemned under Indiana's unsafe building statute:**

Building Commissioner Wesley informed the Council that he has not noticed any changes or improvements taking place at Rainbow Community Mobile Home Park since their October 14<sup>th</sup> meeting.

Councilman Loving suggested that the Board needs to make a decision on this matter sooner rather than later.

**Instate trash service fee:**

Councilman Loving recommended that the Council needs to start talking about the trash service contract that expires December 31, 2021. Currently, we are charged for two mobile home parks, recycle and two large item pickups a year. We need to start thinking about what we are going to do for trash service. Next month, we need to have a conversation about trash service and what we want to do for 2022.

Councilman Hull informed the Council that previously a member of the Board took the lead on that matter which worked out well.

Councilman Loving volunteered to lead this project. Councilwoman Scott volunteered to assist.

**Speed Humps on town roads:**

Matter tabled.

**Community Crossing Grant 2020 paving status & 2021 paving proposal:**

Councilman Loving explained the closeout paperwork needs to be signed and he would come to Town Hall to sign.

Clerk-Treasurer Jordan informed the Council that there is a refund that needs to be issued to the State because the project came in lower than the grant request. A check in the amount of \$94,838.50 has been written and is ready to be mailed to INDOT. Once the State receives the closeout paperwork and refund check, the Town will be eligible to receive future Community Crossing Grants.

Clerk-Treasurer Jordan informed the Council that the next round of Community Crossing Grant applications is due by Friday, January 29<sup>th</sup> at 4:00 central time. Engineer Bobcek is willing to put an application together on behalf of the Town if the Council would give him direction on that amount of money to request.

Burns Harbor Town Council  
Regular Meeting  
January 13, 2021

Town Engineer Bobcek informed the Council that he and Street Superintendent Melton discussed projects on the updated LTAP which, lists rough cost estimates. The list they came up with so far, totals \$650,000 that would be a \$162,500 match from the Town.

Councilman Hull asked does that include Alleguis Drive, crack sealing, and the spot on Haglund Road.

Town Engineer Bobcek informed the Council the current list includes reconstructions on portions on Verplank Road and portions of Alleguis Drive not to go past the bank, reconstruction of Burns Boulevard, Shadyside Drive, patching on Haglund Road, Verplank Road, and crack and slurry seal on Verplank Road, Old Porter Road, Haglund Road, and pretty much every street we have paved over the past five years that has a six to eight PACE rating. You get a lot of preventative maintenance for that amount; pretty much everything in the town is getting crack seal that needs it.

Councilman Hull made motion that the Town apply for a Community Crossing Grant in the amount of \$650,000 with a local match of \$162,500. Councilwoman Bozak seconded the motion. Clerk-Treasurer Jordan stated I want to remind the Council that INDOT would pay seventy-five percent (75%) and the Town would have to match twenty-five percent (25%) based upon our population but, that does not include any engineering costs. There will be some engineering costs to do this project that would not be covered under the grant. Councilman Hull stated backup one second, you said that is just under \$700,000 roughly. Town Engineer Bobcek stated yes, the total project budget would be \$650,000. Councilman Hull stated so ask for \$750,000 on the grant? Town Engineer Bobcek stated no, the total for the grant is \$650,000 so the difference between the two is...Councilman Hull stated yeah, I get that. Can you find a few more thing and bump your end up to \$750,000? Is there anything else that needs to be done? Town Engineer Bobcek stated we have more work. There is more mill and fill and more reconstruction to do. Councilman Hull said let's apply for \$750,000 not to exceed and we will go from there. Town Engineer Bobcek stated \$750,000, you are saying that is the engineering fees associated for Global (Engineering & Land Surveying, LLC) and construction costs, correct? Councilman Hull stated yes. Town Engineer Bobcek stated I can make that work. I think our cost would be approximately \$55,000 for everything and I can send a task order to the Town with that. Councilman Hull stated yes, amended or moved or whatever I need to do. I just want to make sure he is not short. The State has been really good. We got a million dollars the last couple times so. Councilman Loving stated so, Eric (Councilman Hull) has amended the motion can we get a seconded to the amended motion. Councilwoman Bozak seconded the amended motion to submitted a project list to INDOT for the Community Crossing Grant not to exceed \$750,000. Councilman Loving stated I would add that we stay on top of this stuff. I know it is expensive but when we do a little piece every year, it is what allows us to constantly have some pretty nice roads throughout town. Councilman Hull stated we have paved every street in town. Councilman Loving yeah, this is what we have to do to stay on top of it because, eventually it gets to an enormous number if you don't keep doing this every year. Councilwoman Biancardi – Absent, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

**INDOT Town road inventory update status report:**

Town Engineer Bobcek informed the Council that he sent a letter and documentation to John Schill with Cleveland-Cliffs, the contact he was directed to but, has yet to hear back. Hopefully, by next meeting we will have something.

**Good of the Order of the Community:**

Councilman Hull expressed concern for what has been happening politically, no matter which side you are on, expressing gratitude that Burns Harbor's elected officials are working well together.

Councilman Loving mentioned he appreciation that the Council is working really well together and doesn't really have many differences on what needs to be done; it's just a discussion of how we can do it. I appreciate all of you.

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

Burns Harbor Town Council  
Regular Meeting  
January 13, 2021

There being no further business to discuss, the meeting concluded at 7:58 p.m.

Approved at February 10, 2021 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