

Burns Harbor Town Council  
Regular Meeting  
March 10, 2021

The Town Council of the Town of Burns Harbor, Porter County, Indiana met in its regularly scheduled session on Wednesday, March 10, 2021 in the Town Hall and virtually with Zoom. The meeting was called to order by Council President Nicholas Loving at 7:00 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 ----- Present  
Roseann Bozak ----- Present  
Eric Hull ----- Present  
Nicholas Loving ----- Present  
Angie Scott ----- Present

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

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

**Approval of Minutes:**

Councilwoman Biancardi made a motion to approve the meeting minutes of February 10, 2021. Councilwoman Bozak seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

**Reports:**

Clerk-Treasurer Jordan informed the Council subdivision mylars will be scanned when weather improves, the Trailcreek Subdivision park deed has been recorded, the town bank has added payee verification to Positive Pay to assist in fraud reduction, and Deputy Clerk Peffers and she will be attending a virtual training next week.

Attorney Patton informed the Council that the public health emergency is through the end of March allowing the Boards to meet electronically during the health emergency.

Interim Building Commissioner Wesley informed that there was nothing more to report that was not already in the monthly department report.

GM/Street Superintendent Wesley submitted a department equipment and building inventory indicating those items that need repaired or replaced. After discussion, Council directed Superintendent Wesley to repair all safety issues with equipment as soon as possible, get quotes to replace the building roof and salt building roof, and prioritize the remaining items. Next week, the Department will be patching areas of Old Porter Road where potholes have developed.

Town Marshal Heckman informed the Council that the Federal Government is requesting each department adds the language pertaining to the use of choke holds to their department's policy. Councilwoman Biancardi made a motion that the Town adds the language, "*The use of choke holds is strictly prohibited except when that Officers of the Department may use choke holds in situations where the use of deadly force is allowed by law.*" in Chapter 7, page 2, number 9. Councilman Hull seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

Town Marshal Heckman informed the Council that Porter County is converting to a new computer system in September. The laptops that the officers use in their vehicles will not be compatible with this new system. The Council discussed the possibility of the department's two newly purchased laptops being returned and directed Clerk-Treasurer Jordan to hold payment until the matter was discussed with the vendor. Councilman Hull asked if there would be a group purchase of equipment that the Town could take advantage of a possible discounted group rate. Town Marshal Heckman was not aware of any group purchase.

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Fire Chief Arney informed the Council purchase orders were submitted and the report is in their mailboxes. Councilwoman Biancardi informed that the Council earmarked \$30,000 from the Cumulative Capital Development Fund for the installation of an exhaust system in the fire station. Council directed Fire Chief Arney to get quotes for next month's meeting.

Sanitation Superintendent Arney informed the Council the department has been busy working on upgrades. Lift station number five will be upgraded first followed by lift station number two.

In absence of Park Director Burton, Councilwoman Bozak informed the Council the Park Board meeting was rescheduled for Thursday.

Redevelopment Commissioner Hull informed the Council that the Board is making progress with BP Pipeline, City of Portage was awarded a grant for their section of the trail which will meet up where our trail ends on the west side of town, and architectural drawings are getting underway for the Westport Development.

The following purchase orders were presented for discussion: #2799, 2800, 2815, 2816, 2817, 2826, 2827 & 2828.

Councilman Hull made a motion that the repair parts for the digital message board be paid from the Cumulative Capital Development Fund. Councilwoman Biancardi seconded the motion. GM/Street Superintendent Wesley stated it should be done Friday. Councilman Hull stated stick that over in BiBi's parking lot. Put wear your mask on it and we covered our grant. I'm serious and take a picture. Part of the deal was it was for public education so, you need to put on social distance, wear a mask, put it out on (US) 20 for a while and move it around a couple times, take a couple pictures, send them to Corinne (Deputy Clerk Peffers). She will put them in the Burns Harbor newsletter. Councilman Loving stated or the new Chesterton Tribune. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

**Correspondence:**

IDEM – Notice of Violation for ArcelorMittal Burns Harbor, IN

IDEM – Notice of Public Comment MSOP for Crisman Sand Company, Inc. in Porter County

IDEM – Approval Title V Administrative Amendment for Cleveland-Cliffs Burns Harbor, IN

IDEM – Notice of Public Comment Part 70 Operating Permit – Indiana Flames Service Burns Harbor, IN

U.S. Census Bureau – Thank you 2020 Census Community Partnership & Engagement Program Patrick Kleihege - Trail Creek Subdivision Phase 1 park land deed

Burns Harbor Redevelopment's Annual Treasurer's Report pursuant I.C. 36-7-14-8

Burns Harbor Redevelopment's Annual Report pursuant I.C. 36-7-14-13

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

**Ordinance 303-2021 Amending the Text of Chapter 15 Zoning concerning Outdoor Business Property Storage second reading:**

Councilman Hull made a motion that the Town adopts **Ordinance 303-2021**

**An Ordinance of the Burns Harbor Town Council Amending the Text of Chapter 15 Zoning Concerning Outdoor Business Property Storage Within the Town of Burns Harbor, Indiana** on second reading. Councilwoman Biancardi

seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott - Aye.

**Ordinance 303-2021 passed and was adopted.**

**Ordinance 304-2021 Amending the Text of Chapter 1 concerning traffic violations:**

Attorney Patton asked if the Council would want to review the other fines within the code. Is it time to do an assessment of the fine levels regarding other offenses that are within Town Code rather than piecemealing it out?

Councilman Loving stated for this one it is important now, because of the frost law and what is going on and the time of year. Maybe we can have people look into the other values.

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Attorney Patton informed the Council the only change from the existing Town Code was the offenses for violating 8-ton weight limit on town roads.

Council discussed, previous violation fine, if the Town is allowed to charge the proposed fine amount, and setting the fine at the state's rate.

Councilman Hull made a motion that the Town adopts **Ordinance 304-2021**  
**An Ordinance of the Town of Burns Harbor Town Council Amending the Text of Chapter 1 Concerning Motor Vehicle/Traffic Violations Fees in the Town of Burns Harbor, Indiana**

**WHEREAS**, in July 2009, the Burns Harbor Town Council passed Ordinance 223-2009 regarding various Town Code violations and associated fees relative to the same in Burns Harbor, Indiana; and

**WHEREAS**, upon a review of the previously established fees for Motor Vehicle/Traffic Violations, the Burns Harbor Town Council has determined the need to update and revise these fees in amounts that adequately deter such violations and to cover the costs associated with the violations; and

**NOW THEREFORE**, be it and it is hereby ordained by the Burns Harbor Town Council that Chapter 1, Article I, Section 1-12, VIOLATIONS BUREAU EXHIBIT A, Motor Vehicle/Traffic Violations of the Town Code of the Town of Burns Harbor shall be amended as follows:

**Motor Vehicle/Traffic Violations**

<u><b>Town Code</b></u>	<u><b>State Statute</b></u>	<u><b>Violation Type</b></u>	<u><b>Fine</b></u>	
			1st Offense/2nd Offense	
Section 8-6	9-21-16-8	Parking in a no parking zone	\$50.00	\$50.00
Section 8-5		Violating 8-ton weight limit on Town Roads	\$500.00	\$10,000.00
Section 9-1(3)	9-22-1	Parking as to obstruct traffic	\$50.00	\$50.00
Section 8-3		Leaving vehicle on street over 72 hours	\$50.00	\$50.00
Section 8-4		Junk or abandoned vehicle	\$50.00	\$100.00
Section 9-2(13)		Common nuisance	\$50.00	50.00

This Ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

Councilwoman Scott seconded the motion. Councilwoman Bozak stated I feel like we are stuck on whether or not we can. Councilman Hull stated if we can't then they are going to come back and tell us we can't and we have to fix it. The law is invalid and they get away free. Town Marshal Heckman said paying a fifty-dollar fee is nothing. Councilwoman Bozak stated I agree with that, one hundred percent but, I just don't want to go too far the other way if we can't. Town Marshal Heckman said I don't think the five hundred dollar one is going to affect us any. Possibly, the ten thousand dollar one, we will be in court. Councilman Hull stated the five hundred dollar one, they are going to laugh at that. That is the cost of doing business. The ten thousand dollar one, will get somebody's attention and let Clay fight about it with whoever whether it is legal or not. Attorney Patton stated unless you are going to suspend the rules, we have five weeks until the next Council meeting where we can dig into that a little bit. Councilwoman Biancardi stated I would like to investigate what the State and other communities are charging. I understand the idea that it needs to have an impact. Since the second violation is such a large extreme, I do just want to make sure we're acting in the way that we should. Councilwoman Scott stated the County if they are overweight without a special permit zero to four thousand pounds is \$300 violation, over four thousand pounds is \$500 and it goes up from there. Attorney Patton asked is that the first violation or second. Councilwoman Scott said first. There are other violations that can go on top of that and they go up to \$10,000. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott - Aye. **Ordinance 304-2021 passed on first reading.**

Councilman Hull made a motion that the violation fines collected for overweight limits be directed to the street fund to be used for road and street repairs. Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye,

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Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott - Aye. **Motion passed and was adopted.**

**Resolution 2021-02 Adopting the October 2019 Porter County, Indiana Multi-Hazard Mitigation Plan Update:**

Councilman Hull made a motion that the Town adopts **Resolution 2021-02 A Resolution of the Town Council of the Town of Burns Harbor Adopting the October 2019 Porter County, Indiana Multi-Hazard Mitigation Plan Update**

**WHEREAS**, the Town of Burns Harbor recognizes the threat that natural hazards pose to people and property; and

**WHEREAS**, undertaking hazard mitigation actions before disasters occur will reduce the potential for harm to people and property and save taxpayer dollars; and

**WHEREAS**, an adopted multi-hazard mitigation plan is required as a condition of future grant funding for mitigation projects; and

**WHEREAS**, the Town of Burns Harbor participated jointly in the planning process with Porter County and other local units of government within the County to prepare a Multi-Hazard Mitigation Plan.

**NOW, THEREFORE, BE IT RESOLVED** by the Burns Harbor Town Council as follows:

1. The Burns Harbor Town Council hereby adopts the October 2019 Multi-Hazard Mitigation Plan Update prepared for Porter County, the Town of Burns Harbor and other municipalities located within Porter County, Indiana.

2. The Burns Harbor Town Council hereby authorizes and appoints the President of the Town Council to take such steps as may be necessary to implement the same.

3. The Burns Harbor Town Council hereby authorizes, appoints and directs the Clerk-Treasurer of the Town of Burns Harbor to send a copy of this signed Resolution to the Porter County Government Emergency Management Agency, so that the same may be forwarded to state and/or federal agencies, in order for the Town of Burns Harbor to be eligible for homeland security grants and disaster assistance.

Councilwoman Biancardi seconded the motion. Councilwoman Biancardi stated this is something we needed to adopt so we are in a compliance situation. Councilman Loving stated that is correct, so we can get emergency funding for disaster mitigation. Attorney Patton stated and work with other municipalities and the County. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott - Aye. **Resolution 2021-02 passed and was adopted.**

**Resolution 2021-03 MVH 2021 Budget Transfer:**

Councilwoman Biancardi made a motion that the Town adopts **Resolution 2021-03 Town of Burns Harbor Appropriation Transfer**

BE IT HEREBY RESOLVED BY THE TOWN COUNCIL of the TOWN OF BURNS HARBOR, PORTER COUNTY, INDIANA that the following transfer of funds be made from the Motor Vehicle and Highway Department's 2021 budget:

\$ 5,800.00 from Other Materials, 6-237

\$ 2,000.00 into Part-time Wages, 6-115

\$ 3,000.00 into Overtime, 6-116

\$ 600.00 into Social Security, 6-121

\$ 200.00 into Medicare, 6-126.

Councilman Hull agreed with his second. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott - Aye. **Resolution 2021-03 passed and was adopted.**

**New Business:**

**Staff anniversary recognition:**

Councilman Loving indicated there were no anniversaries for the month of March.

**Employee compensation policy when working for multiple departments:**

Councilwoman Biancardi explained the Town has several employees that work in different departments. There is a police officer that works as an EMT and several employees plow snow. When the police officer is working as an EMT he is being paid at the EMT rate. The question has come up when plowing. Historically, when employees have plowed, they have been compensated at the plow rate. It was a question so, I felt if we are all on the same page going forward and it appears in the minutes, we won't have that question.

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Council discussed that employees working other job types for departments should be compensated at the pay rate of that job, and employees should be informed what the compensation is before the work is performed.

Council consensus was that any employee, other than street department, assisting with plowing will be paid straight time plow rate for plow time.

**Approval to Pay Vouchers:**

Councilwoman Bozak moved to approve vouchers with three or more signatures. Councilwoman Scott seconded the motion. Clerk-Treasurer Jordan asked is that was minus the check to Chester Technology for the police department computers. Councilman Hull stated it's approved. You can still pay it if it turns out we can't return them. You can still pay the bill. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Absent, Councilwoman Scott – Aye. **Motion passed.**

**Approval of February 2021 financial report:**

Councilwoman Biancardi made a motion to approve the February 2021 financial report. Councilwoman Bozak seconded the motion. Councilwoman Biancardi said I want to compliment Jane (Clerk-Treasurer Jordan) on the annual report and the financial reports with the graphs. I do appreciate that and the detail that you've included. Is the annual report on our website? Clerk-Treasurer Jordan said Corinne (Deputy Clerk Peffers) posted it today. Councilwoman Biancardi stated it is a great resource. I would encourage our citizens to read it as well. She does a good job of explaining the tax rates, things in general about the town. We are debt free except for one and a half payments of a fire truck. There is some great information in there. I do appreciate those. It is nice to look back and read the previous years so, thank you. Clerk-Treasurer Jordan stated you are welcome. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

**Old Business:**

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

Councilwoman Biancardi made a motion to extend the Town's COVID emergency safety protocols though Friday, April 16, 2021. Councilman Hull seconded the motion. Councilwoman Biancardi stated so it is clear for other Boards as well, they have the option now to meet in person, or virtual, or a combination of both. Councilman Hull stated we will continue streaming even past the deal. Councilwoman Biancardi stated when we are in person at all, the doors have to be open so the public can come to those meetings as well. Attorney Patton stated well, I mean it is an open meeting but, you could, if you want, just offer it, I know that there are other communities that have met in person throughout but only offered public participation via electronic means. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

**Advisory Plan Commission open seat:**

Councilman Loving explained that the Advisory Planning Commission open seat must be a Republican or Independent. Mr. Meeks is unable to be appointed because he serves on the Board of Zoning Appeals. The seat remains open.

**Open employee positions status report:**

Councilwoman Scott informed that she and GM/Street Superintendent Wesley will hold interviews next week.

Council discussed process for hiring a fulltime employee position, hiring in a public meeting, their next meeting date, and scheduling a special meeting if necessary.

Councilwoman Biancardi discussed with the Council the possibility of the two fulltime street laborers being trained to provide support to the Sanitation Department. Twenty-five percent (25%) of their wages would then be paid from the utility's budget.

**Time clocks status report:**

Councilwoman Scott and Councilwoman Bozak are continuing to research this matter and will report back.

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

Councilwoman Biancardi made a motion that the Town adopts the Capital and Economic Development Projects 2021 & 2022 Plan. Councilwoman Bozak seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

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

Councilwoman Biancardi made a motion to affirm the waiving of sanitary late fees for the month of March due to Indiana's state of emergency. Councilman Hull seconded the motion. Councilwoman Biancardi – Aye, 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.

**Instate trash service fee:**

Councilman Loving informed the Council that he has not received the Republic Services extension quote or competitive case study from Mr. Metros but, expects it any day.

**Speed Humps on town roads:**

Councilman Loving informed the Council it has been busy the last few months at the Street Department.

Attorney Patton said it is certainly permitted to do so. If you want me to tweak the ordinance. Attorney Brazil forwarded examples from other communities in Indiana. That is something that can certainly be done. The other side of it was the logistics of the where's and the when's of the Town.

Council directed Attorney Patton to draft an ordinance for the April meeting.

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

Town Engineer Bobcek informed the Council he still has not heard back from John Schill with Cleveland-Cliffs after leaving him multiple voice messages and sending several emails.

Council discussed the possibility of requesting another contact from Cleveland-Cliffs.

**Verplank Road offloading area:**

Town Engineer Bobcek discussed with the Council possible options for an offloading area on Verplank Road. Due to the radius, there are only two options; one being an extended shoulder and the other extending the curb into a new lane.

After discussion of expense for improvement, Verplank Road road work planned for the summer, getting cost estimates to make the improvements for a loading zone, and getting Bosak involved, Council consensus was to have Engineer Bobcek prepare estimates for the two options for discussion at their next meeting.

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

GM/Street Superintendent Wesley informed that starting Monday, May 3<sup>rd</sup> the Department will begin brush pick and that it will be every Monday this year rather than only twice a month. Spring leaf pickup will be done the first two Tuesdays in May.

Councilwoman Scott asked GM/Street Superintendent if we got his application for PACT workers. GM/Street Superintendent Wesley stated it has been submitted to the office but, I have not heard anything from them.

Councilman Loving asked if the GM/Street Department will still pick up Christmas trees if people put them out. GM/Street Superintendent Wesley said absolutely.

Councilman Hull asked if the Park Department will be holding their annual Easter Egg Hunt. Councilwoman Bozak stated no and asked if we would be seeing the Bunny around town this year? Fire Chief Arney will make arrangements to take the Bunny through town.

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Councilwoman Scott made a motion that we adjourn. Councilwoman Biancardi 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 8:29 p.m.

Approved at April 14, 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