

Burns Harbor Town Council  
Regular Meeting  
July 14, 2021

The Town Council of the Town of Burns Harbor, Porter County, Indiana met in its regularly scheduled session on Wednesday, July 14, 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 Facebook.

The Pledge of Allegiance to the American Flag was recited.

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

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

**Additional Officials Present:** Attorney Clay Patton, Fire Chief/Sanitation Superintendent William Arney, GM/Street Superintendent Robert Wesley, Building Commissioner Jack McGraw, and Assistant Town Marshal Jeremy McHargue.

**Approval of Minutes:**

Councilwoman Scott made a motion to approve the meeting minutes of June 9, 2021. Councilwoman Bozak seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

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

Councilwoman Biancardi made a motion that the Burns Harbor COVID protocols mirror that of Porter County which is that, masks will be optional for visitors and employees who are fully vaccinated and for visitors and employees who are not fully vaccinated, wearing a mask will be highly recommended. Councilwoman Bozak seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

**Burns Harbor Scholarship Awards:**

Scholarship Committee Board Member Phyllis Constantine presented 2021 Scholarship awards to Adam Davis, Spencer Doolan, Halle Freeze, Addison Keiser, Justine Keiser, Sky Kelley, Alexia Lambert, and Madelynn Lessard.

**Reports:**

Attorney Patton informed the Council that the public health emergency is through the end of July allowing the Boards to meet electronically during the health emergency. The resolution adopted at last month's meeting would allow the Council to continue to do so as needed.

Building Commissioner McGraw informed the Council that it's been a busy month. The duct cleaning in the Town Hall was rescheduled and while the cleaning is being performed it would be a good idea not to have the staff in the building exposed to the dust.

GM/Street Superintendent Wesley informed the Council there was nothing more to report that was not already in the monthly department report.

Assistant Town Marshal McHargue there was nothing more to report that was not already in the monthly department report.

Fire Chief Arney informed the Council that the department has had a busy month and he would be attending a conference the beginning of August.

Sanitation Superintendent Arney informed the Council the department has been busy finishing phase one of its scheduled lift station upgrades and are continuing to work on the next phase.

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In absence of a park representative, Councilwoman Bozak informed the Council that the beach is open, Chalk the Park is taking place, Art Camp and Soccer Camps are scheduled, shelters and the arts & crafts building are available for rental.

Redevelopment Commissioner Hull informed that there was nothing to report.

The following purchase orders were presented for discussion: #2702, 2849, 2858, 2866, 2867, 2868, 2869, 2870, 2876, & 2877.

**Correspondence:**

IDEM – Notice of Approval Title V Administrative Permit Renewal TMS International LLC, Portage

IDEM – Notice of Public Comment Part 70 Operating Permit NLMK Indiana, Porter County

IDEM – Notice of Approval FESOP Administrative Amendment Rieth-Riley Construction, Valparaiso

IDEM – Notice of Registration Administrative Amendment Wheeler Recycling & Disposal Facility, Wheeler

IDEM – Notice of Public Comment Part 70 Operating Permit Cleveland-Cliffs Burns Harbor, LLC

IDEM – Notice of Approval Title V Significant Source Modification Minor PSD Powder Processing Technology, LLC, Valparaiso

Notice of Public Hearing Burns Harbor Plan Commission perform on-site excavation associated with Cleveland-Cliffs Burns Harbor, LLC Deerfield Storage Facility Phase 1 Cell Closure

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

**Burns Harbor Scholarship Awards:**

Covered previously in the meeting.

**Ordinance 296-2020 Westport PUD District Amendment:**

Councilwoman Biancardi made a motion that the Town adopts **Ordinance No. 309-2021 An Ordinance of the Town of Burns Harbor, Porter County, Indiana Amending the Westport Planned Unit Development District**

WHEREAS, on August 12, 2020, the Town Council of the Town of Burns Harbor, Indiana adopted Ordinance 296-2020 establishing the Westport Planned Unit Development District; and

WHEREAS, a public hearing has been held as required by law and the Plan Commission has recommended the adoption of an amendment to the PUD District Ordinance for certain land located within the corporate boundaries of the Town of Burns Harbor and within the Westport Planned Unit Development District; and

WHEREAS, the Town of Burns Harbor Plan Commission has paid reasonable regard to the factors set forth in Indiana Code and Town Code for the adoption of an amendment to planned unit development districts and has recommended the adoption of the Amendment to the Westport Planned Unit Development Ordinance for certain land located within the corporate boundaries of the Town of Burns Harbor and within the Westport Planned Unit Development District; and

WHEREAS, the Burns Harbor Town Council concurs in the recommendation of the Plan Commission.

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the Burns Harbor Town Council as follows:

SECTION 1. An amendment to the PUD District known as Westport Planned Unit Development has been sought by Petitioner, Town of Burns Harbor Redevelopment Commission, and the PUD District as set out in the PUD Documents is hereby amended by this Ordinance. Petitioner is the owner of a portion of the PUD District which is hereby approved for the following described real estate, to-wit:

(See attached Exhibit “A”)

Which real estate is generally located at Northeast of Highway 149 and Haglund Rd.

SECTION 2. That the name and address of the petitioner for this PUD District Ordinance is:

Town of Burns Harbor Redevelopment Commission

1240 N. Boo Road

Burns Harbor, Indiana 46304

SECTION 3. That the attached as Exhibit “B” is the recorded document showing the petitioner’s ownership interest in this parcel, which document is in the form of a property deed(s)

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SECTION 4. That Chapter 14 and 15 of the Town of Burns Harbor Town Code, along with the Burns Harbor Town Standards, latest edition, shall apply to the development of this property, except for the following variances to same:

- a. District Standard Variances:
  - I. The PUD District shall follow the standards of the DD Downtown District with the following variances:
  - II. Accessory buildings (15-10-4) - Accessory buildings (garages) shall be allowed a maximum of sixty percent (60%) up to seven hundred (700) square feet, whichever is greater of the principal residential building as measured at the ground floor.
  - III. Minimum square feet of residential unit (15-10-6A) - The minimum square feet of a residential apartment unit shall be five hundred (500) square feet. The minimum square feet of a single floor residential townhouse shall be twelve hundred (1,200) square feet. The minimum square feet of a multiple floor residential townhouse shall be eighteen hundred (1,800) square feet.
  - IV. Attached and detached garages (15-10-6C) - Detached garages for residential townhomes shall be accessed from an alley.
  - V. Building disposition (15-10-7C) - All building disposition types are permitted.
  - VI. Principal building rear setback (15-10-7D.4) - The minimum rear setback of a principal building shall be five (5) feet.
  - VII. Accessory building side setback (15-10-7E.2) - The minimum side setback of an accessory building shall be zero (0) feet.
- b. Development Standard Variances:
  - I. Parking stalls (15-13-12B) – A parking space shall be an area nine (9) feet wide and twenty (20) feet long.
- c. Town Standard Variances:
  - I. Stormwater - The stormwater release rate from the PUD development site will be approved by the Town Engineer.
  - II. Property lines at intersections (14-4-9) – Property lines at intersections of streets shall not be required to be rounded by a radii.
  - III. Amending a PUD district ordinance (14-3.5-14) – Amending the PUD District Ordinance shall be changed into two categories, minor amendment and major amendment, as outlined below:

MINOR AMENDMENT: Upon written request, minor changes to the Westport PUD that do not meet the criteria for a major amendment may be approved by the Plan Commission, without a public meeting, as a regular agenda item. Such request shall set forth the exact nature and circumstances of the requested amendment and the reasons therefore and shall be submitted with plans and drawings necessary to support approval of the request. Consideration shall be given to the public hearing record of the original PUD application and the intents and purposes of the standards set forth in the zoning ordinance and/or subdivision control ordinance. If the Plan Commission determines that the change may have a significant impact on the approved project, the Plan Commission may decline to administratively approve such change and shall process the request as a Major amendment.

MAJOR AMENDMENT. Major amendments will be processed in the same manner as a zone map change in accordance with the subdivision control ordinance and the code of Indiana. There shall be a public hearing and recommendation by the Plan Commission, with proper notice therefore. The Town Council shall act upon the recommendation at a properly noticed public meeting within 90 days of the certification of the PUD amendment by the Plan Commission.

Proposed changes to the Westport PUD that meet any of the criteria below shall constitute a Major Amendment:

    1. Increase the proposed floor area of any approved principal use by more than five percent (5%).
    2. Exceed the residential density of the original PUD approval.
    3. Alter the ratio of the number of dwelling units of different residential types (apartments & townhomes) by more than ten percent (10%).
    4. Substantially change the bulk or clustering of buildings, visual impact, theme of the development, location of uses or the layout of lots and streets, except for minor adjustments within areas approved for development or within anticipated rights-of-way.
    5. Substantially change the environmental impact of the development.

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6. Substantially alter the phasing or timing of the development.
7. Reduce or eliminate the factors used to justify any variances previously granted, substantially alter conditions of approval of the original PUD, or negate any justification of any of the objectives and general standards in the reasoned statement supporting approval.

**SECTION 5.** That all uses and the area in acres of each use in this PUD District are as follows:

- a. Residential -Townhomes / 4.73 acres
- b. Residential -Apartments & Apartments/Commercial / 5.82 acres
- c. Municipal Office-Community Center / 2.99 acres
- d. Future Commercial Development Lot / 3.17 acres
- e. Open space, Trails / 7.88 acres
- f. Roadway Right-of-Way / 6.75 acres

**SECTION 6.** That the total number of residential units in this District is 180 and the percent of each type of each residential use is:

- a. 78% for apartments use:
- b. 22% for Townhomes use.

**SECTION 7.** That the delineation of each business and/or industrial use and total are in acres of each business and/or industrial use is as follows:

- a. Residential -Townhomes / 4.73 acres
- b. Residential -Apartments & Apartments/Commercial / 5.82 acres
- c. Municipal Office-Community Center / 2.99 acres
- d. Future Commercial Development Lot / 3.17 acres

**SECTION 8.** That the following phasing schedule of development shall apply in this District:

- a. Phase 1 will include the Municipal Office/Community Center and adjacent parking area, open space/plaza site improvements, a portion of Roadway A (Haglund Road to the Westport Community Center) and portion of Roadway D (Haglund Road to Roadway C) and Roadway C will be completed to allow full vehicular access to the first phase development. Improvements and widening of Haglund Road from Roadway A to Roadway D. The first phase will also include four Commercial/Apartment buildings and twelve Townhomes along with adjacent parking areas, site improvements including the public Civic Plaza. The Marquette Greenway Trail will be implemented by others and phased as funding permits.
- b. The balance of development, Phase 2, will occur based on market demand for townhomes and a use/user is identified for the 'Future' commercial development area adjacent to Westport Road/State Route Highway 149.

**SECTION 9.** That the detailed description of location and proposed use for all proposed open and/or recreation space is as follows:

- a. The Civic Plaza is central to the Development and is intended for public events and festivals. Roadway C is intended to be able to be temporarily closed to vehicular traffic, to accommodate bigger events.
- b. The Marquette Trail provides the regional connectivity attracting visitors to the core of this new Development adding a dimension of recreational activity unique to the Development and region.
- c. Located to the east of the Municipal Office/Community Center is an open area conducive to informal sports play. Additionally, this lawn area can be used as a temporary tent area complementing activities occurring with the Community Center and adjacent Civic Plaza.
- d. The pipeline easement will be maintained as mowed lawn area, which will provide an informal play area on a 'borrowed landscape' expanse of 1.76 acres of open space. Located in the northwest corner of the Development, bisected by the Pipeline, is the largest contiguous area of open space left in a 'natural' condition. Large canopy trees of several varieties create a forested area of unique recreational opportunities for exploration, nature play and passive recreation such as birdwatching, plant identification and nature walks.
- e. Storm water basin edges will be developed with bioecological 'natural' landscape 'edges', conducive for healthy and sustainable water treatment, wildlife, and plant community diversity. Parking areas will also have biofiltration swales conducive to attracting and maintaining healthy bird and insect ecosystems. Permeable paving and other best management practices for water treatment are being evaluated for large paving areas such as the Civic Plaza.

**SECTION 10.** That the general description of community services available to this PUD District's residents, including schools, fire protection and all public/private utilities, is as follows:

- a. Schools: Duneland School Corporation

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- Newton Yost Elementary School (grades 1 – 4)  
Westchester Intermediate School (grades 5 – 6)  
Chesterton Middle School (grades 7 – 8)  
Chesterton High School (grades 9 – 12)
- b. Fire: Town of Burns Harbor Fire Department  
c. Police: Town of Burns Harbor Police Department  
d. Parks: Town of Burns Harbor Lakeland Park (via Lakeland Park Trail along Haglund Road)  
Marquette Greenway Trail  
Indiana Dunes National Park (via Marquette Greenway Trail)  
e. Library: Westchester Public Library District  
Thomas Library (Chesterton, Indiana)  
Hageman Library (Porter, Indiana)  
f. Utilities: Sanitary Sewer – Town of Burns Harbor  
Storm Water – Town of Burns Harbor  
Water – Indiana American Water (IAW)  
Electric – Northern Indiana Public Service Company (NIPSCO)  
Gas – Northern Indiana Public Service Company (NIPSCO)  
g. Telecom: Telephone – Verizon  
Cable – Comcast  
Internet – Various

**SECTION 11.** That a general statement on proposed ownership and maintenance of common open space is as follows:

A property owners association will be created for the purpose of maintenance outside of the Town's typical jurisdictional departments. Ponds, open space, grassed areas, townhome alleys, and landscaping will be included in the POA's oversight. Infrastructure, sidewalks, trails, roads, sanitary sewer mains, storm water conveyances, hydrants, streetlights, civic plaza, and other normal town infrastructure will be accepted and maintained as a Town asset. Improvements on private lots will be the responsibility of the property owner, with exception to any public easements.

**SECTION 12.** That the proposed construction schedule for this PUD District shall be as follows:

**PHASE 1 (TOTAL DURATION – 17 months)**

- a. Infrastructure (grading, public utilities, public roads, public sidewalks, civic plaza) - 4 months  
b. Municipal Office/Community Center – 12 months  
c. Apartments (4 buildings) – 17 months  
d. Townhomes (12 units) – 17 months

**PHASE 2 (TOTAL DURATION – 24 months)**

- a. Infrastructure (grading, public utilities, public roads, public sidewalks) – 4 months  
b. Apartments (1 building) – 12 months  
c. Townhomes (28 units) – 24 months

**SECTION 13.** That the objectives of PUD Districts as set forth in Section 14-3.5-2 of the Burns Harbor Town Code including a specific written submission addressing plans in section 14-3.5-2 of the Burns Harbor Town Code having to do with the preservation of natural topographical and geological features and the land, is as follows:

Contemporary methods of sustainable development, with respect to storm water and site improvements, is foremost in the approach to site development. Specific considerations with respect to the preservation of natural topographical and geological features will emphasize the follow:

1. Prevention of soil erosion:  
Erosion and Sediment Control Plan procedures, required by local and State regulatory agencies, will be rigidly adhered during: construction, operation and management of the proposed Development. Careful consideration will be employed given the phasing of the development and proper protection of Lots for future development. Cover methods, consistent with code requirements to control wind and water erosion of soils, will receive specific attention.
2. Conservation of existing surface and subsurface water:  
Although no surface water courses or open water areas are present within the project boundaries, the natural topography surface drains to the northwest and southeast corners of the project area. Subsequently, to mitigate impact on the natural drainage of the site, the proposed grading honors the surface drainage pattern containing the surface drainage in 'naturalized' storm water control basins in those corners of the site. Basins will control the release rate of the

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- storm water and provide biofiltration through visually interesting, naturally landscape environments. Site and county record research has determined that no agricultural subsurface drainage fields exist.
3. Preservation of sensitive or unique natural areas:  
The majority of the project area is in active agriculture, with the following exception: the area directly adjacent to Westport Road and the northeast corner of the property. The area adjacent to Westport Road includes the previous Burns Harbor Community Building (demolished) and an open mowed lawn area. While the area in the northeast corner of the project boundary is covered by a mature deciduous tree canopy bisected by a cleared 50' pipeline easement.
  4. Preservation of major trees or other environmental enhancing features.  
A notable asset in the northeast corner of the Westport Road site are several large canopy trees. This area will be carefully studied as the Phase 1 storm water control measure is installed, as well as when Future Development occurs. Care will be taken to preserve and incorporate the healthy canopy trees as a unique landscape amenity.  
The northeast corner of the property provides the most significant opportunity to preserve an existing natural site feature. Here, just over 3 acres of naturally wooded landscape will be preserved to allow residents and visitors alike to enjoy an undeveloped, natural experience.  
Proposed landscape improvements for the development will seek to enhance a biodiverse selection of materials implemented in a sustainable and best management practice method.  
Biofiltration swales along roadways and in parking lots will work in concert with the biofiltration stormwater basins to create a responsible, aesthetic, low maintenance solution to the site development.

SECTION 14. That the reasonable conditions or written commitments concerning the use and development of the land contained in this PUD District are as follows:  
Reasonable Conditions:

- a. All operations involving work at the PUD District site will strictly follow the BP Pipelines, Inc. "General Construction Requirements" and coordinate all activity with the BP on-site representative/inspector. All coordination shall be documented in writing.

SECTION 15. That the drawing portion of the PUD District Ordinance showing the plan of development for this parcel, as required by Section 14-3.5-11(B) of Burns Harbor Town Code, is attached hereto, incorporated herein, and marked as Exhibit "C".

SECTION 16. That and violation of this PUD District Ordinance shall constitute a violation of the Town Code punishable by a fine from \$1,00 to \$2,500 per violation for each day said violation exists in accordance with the general penalty provisions found in Section 1-9 of the Burns Harbor Town Code.

SECTION 17. That this Ordinance shall be in full force and effect from and after its adoption and publication as required by law.

Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott - Aye. **Ordinance 309-2021 passed its first reading.**

Councilwoman Biancardi informed the Council this came about as a result of having to reconfigure because of the pipeline. Is this something we would want to adopt tonight?

Councilman Hull stated because of the process and we have been held up a few months because of the pandemic and this, every month we lag behind it costs us more money.

Councilman Hull made a motion that the Town declares an emergency and suspends the rules of adopting an ordinance in two separate meetings. Councilwoman Biancardi seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

Councilman Hull made a motion that the Town adopts **Ordinance 309-2021 An Ordinance of the Town of Burns Harbor, Porter County, Indiana Amending the Westport Planned Unit Development District** on its second reading.

Councilwoman Biancardi seconded the motion. Councilman Hull stated just for the record this is part of the Redevelopment Commission's effort to be transparent with everything

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that goes over at Westport. We said if there were any changes, we would come back and go entirely through the process and that is what we are doing right now. There is just a minor change, as Toni said, due to the pipeline. We had to move a road over a little bit. I think that benefits us in the long run. They were about to move the lots around for a better configuration. Attorney Patton stated for the record there were slight changes in the acreage amounts in section five of the ordinance from the previous ordinance last year to this one. A slight increase in total residents from 178 to 180 and apartment unit count increasing from 138 to 140. Some slight changes with regards to the drawings based on those changes. So, this is, as Eric said, to be fully transparent and to be completely accurate in the numbers and the acreage amounts based on those minor changes. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Ordinance 309-2021 passed and was adopted.**

**Ordinance 306-2021 An Ordinance of the Burns Harbor Town Council Amending the Text of the Fee Table Concerning Storage and the Use of Shipping/Cargo Containers:**

Councilwoman Biancardi made a motion that the Town adopts **Ordinance 306-2021 An Ordinance of the Burns Harbor Town Council Amending the Text of the Fee Table Concerning Storage and the Use of Shipping/Cargo Containers Within the Town of Burns Harbor, Indiana**

**WHEREAS**, the Burns Harbor Town Council has adopted Ordinance 301-2020 amending the Town of Burns Harbor Zoning Ordinance in order to better regulate Storage and the use of Shipping/Cargo Containers in the Town of Burns Harbor.

**WHEREAS**, the Burns Harbor Town Council has adopted a Fee Table codified as Chapter 15 TABLES 15-1, 15-4 & 15-5 FEES 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 Fee Table in order to codify the requisite storage container fee adopted under Ordinance 301-2020; 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 its Fee Table to the Burns Harbor Town Council; and

**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 TABLES 15-1, 15-4 & 15-5 FEES of Chapter 15 Fee Table of the Town Code of the Town of Burns Harbor shall be amended to include the following:

**TABLES 15-1, 15-4, 15-5 & 15-13 FEES**

<b>Table 15-13: Fee Schedule for Shipping Containers (refer to 15-13-6.1)</b>	
Construction Containers	\$200, \$50 renewal or \$50 inspection fee if moved to another building site
Temporary Use for Commercial Purposes (max 10 days)	\$50
Long Term Use for Commercial Purposes	\$200 annual fee \$50 annual reinspection fee
Permit fee is assessed per container	

**Section 2.** This Fee Table shall be effective upon its adoption and publication.

Councilwoman Bozak seconded the motion. Councilwoman Biancardi stated so this ordinance, the shipping container ordinance, has come to the Board. This is a bit of a cleanup. The fees always came to the us but, they weren't necessarily written in ordinance form to amend the table. So, that is what this is doing tonight so, we have the complete ordinance. Councilman Hull stated this won't take affect for ninety days, correct?

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Councilwoman Biancardi stated ninety days after the second adoption. Attorney Patton stated again, the actual ordinance regarding the storage was adopted. You didn't adopt the fees into the fee table. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott - Aye.

**Ordinance 306-2021 passed its first reading.**

Councilwoman Biancardi made a motion that the Town declares an emergency and suspends the rules of adopting an ordinance in two separate meetings. Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

Councilman Hull made a motion that the Town adopts **Ordinance 306-2021 An Ordinance of the Burns Harbor Town Council Amending the Text of the Fee Table Concerning Storage and the Use of Shipping/Cargo Containers** on its second reading. Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Ordinance 306-2021 passed and was adopted.**

**Ordinance 308-2021 Establishing General Improvement Non-Reverting Fund 443:**

Councilwoman Biancardi made a motion that the Town adopts **Ordinance 308-2021 An Ordinance of the Town of Burns Harbor Town Council Establishing the General Improvement Fund (Fund #443)**

**WHEREAS**, in accordance with Town of Burns Harbor Resolution 2017-14, the Town Council of the Town of Burns Harbor, Indiana, is now receiving tax abatement fees and therefore recognizes that a need now exists for the establishment of a General Improvement Fund (Fund #443); and

**WHEREAS**, the sources of funding for the newly established fund will include monies allocated to the Town from the Porter County Auditor pursuant to Town of Burns Harbor Resolution 2017-14. The monies within this Fund shall be used for eligible purposes to promote economic development within the corporate limits of the Town as determined by the Town Council as the designated body; and

**WHEREAS**, funds receipted into this Fund will require appropriation by the Town Council and the Clerk-Treasurer will review the requested use of the monies along with the Town Attorney for compliance with Town of Burns Harbor Resolution 2017-14. The Clerk-Treasurer will also maintain detailed accounting records of the Fund to provide for future audits of the General Improvement Fund;

**NOW THEREFORE**, be it and it is hereby ordained by the Burns Harbor Town Council that a General Improvement Fund for purposes which expenditures may be made as directed by the Town Council of the Town of Burns pursuant to Resolution 2017-14, is hereby created and established, as a non-reverting fund.

**FURTHERMORE**, the Clerk-Treasurer shall be required to issue a receipt for all monies received for this Fund. The Clerk-Treasurer shall receipt the money into this Fund and it shall be expended specifically for which it was designated. All expenditures made from this Fund shall be processed, claimed, and allowed in the same manner as other claims of the municipality.

**FURTHERMORE**, this Ordinance shall be in full force and effect upon its adoption.

Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott - Aye. **Ordinance 308-2021 passed on its first reading.**

Councilman Hull made a motion that the Town declares an emergency and suspends the rules of adopting an ordinance in two separate meetings. Councilwoman Biancardi seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

Councilwoman Biancardi made a motion that the Town adopts **Ordinance 308-2021 An Ordinance of the Town of Burns Harbor Town Council Establishing the General Improvement Fund (Fund #443)** on its second reading. Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye,



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Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye.  
**Ordinance 308-2021 passed and was adopted.**

**New Business:**

**Staff anniversary recognition:**

There were no employee anniversaries in July to recognize.

**Ambulance service abatements:**

None.

**Review crack seal project bids for Community Crossing Grant funds:**

In absence of Town Engineer Martin Bobcek, matter tabled.

Councilwoman Biancardi made a motion granting authority to Council President Loving to sign the Community Crossing Matching Grant second call for funding letter and INDOT mileage certification for Verplank Road. Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

**Community Crossing Grant July application:**

Covered previously in the meeting.

**Coronavirus Local Fiscal Recovery Fund:**

Councilwoman Biancardi made a motion that the Town accepts the Coronavirus Local Fiscal Recovery Fund Request for Payment, Award Terms and Conditions and Title VI Assurances and grants authority to Council President Loving to sign said documents. Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

After discussion pertaining to the amount expected to receive and how the funds can be used, Councilman Loving requested small businesses or non-profits in town reach out to members of the Council to have conversation on making up for the losses that you incurred last year, a full list of town employees, and a list of all of the volunteer firefighters and point system.

**June property tax distribution:**

Clerk-Treasurer Jordan informed the Council that the June 10, 2021 property tax distribution was just over fifty-five percent (55.0839%). The Town does not receive a breakdown of what, if any, of that would be delinquencies from previous years. In 2020, the Town only received ninety-six percent (96%) of its property tax distributions.

**Approval to Pay Vouchers:**

Councilwoman Scott moved to approve vouchers with three or more signatures. Councilwoman Bozak seconded the motion. Councilwoman Biancardi reminded the Department Heads to sign their claims in the claim books. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

**Approval of June 2021 financial report:**

Councilwoman Scott made a motion to approve the June 2021 financial report. Councilwoman Bozak seconded the motion. Councilwoman Biancardi informed the Council that the Non-Reverting Ambulance Fund that was showing a negative balance was resolved by the Redevelopment Commission taking official action that tax abatement money would be used to pay EMS wages. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

**Old Business:**

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

Matter was tabled.

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**CF-1 statement reviews for 2022 abatement:**

Ania Ediger, Manager of Government Relations & Specialist and Richard Lenehan Director, Indirect Tax, was in attendance via Zoom.

Ms. Ediger informed the Council that the three tax abatements granted in 2019 showed zero cost and zero assessed evaluation but, no abatement is associated with those files because assets weren't placed into service yet. Since the acquisition of Burns Harbor, the company is doing a strategic capital investment review. We would request the opportunity after that to come back and potentially submit proposed revisions to some of those projects.

Clerk-Treasurer Jordan reminded the Council since there has been communications with the County, they have agreed to allow the Council the ability to discuss this matter further but, a decision on this matter needs to be made this evening due to the late date.

Councilman Hull explained that the forms came back differently than they had years previously that, along with your transition between Cleveland-Cliffs and ArcelorMittal there were a lot of questions.

Councilwoman Biancardi asked if it matters that Cleveland-Cliffs is reporting zero on year two. This could stay open potentially until? Are we just waiting?

Ms. Ediger informed the Council that the assets weren't placed into service but, that doesn't mean that no work has been done on any of the projects.

Mr. Lenehan informed the Council that the 2019 abatements had a completion date of 2022 and 2023. We could be in full compliance with assets placed in service. Often with some of these big projects they don't place the assets in service until everything is done.

Councilwoman Biancardi asked so they are in process right now. I felt like at the last meeting, it was mentioned that they were not started because of COVID. You are saying they are in process?

Mr. Lenehan said no, I am saying that there is a capital expenditure review going on now. There was little spending in 2019 because of the downturn in the economy and the availability to spend on capital expenditures. That was reflected in the other abatement you are asking about, 2016-14 Powerhouse Phase A. They are not required to be placed in service until 2022 and 2023. We are not asking for any tax abatement related to them. We just filed the forms to be in compliance and to let you know we haven't spent anything.

Councilwoman Biancardi explained we appreciate you coming tonight. There were several abatements granted so in the past, when the reports come up, generally, there is someone that comes to help us understand what is happening on the property.

Councilman Hull made a motion to approve all outstanding abatements for Cleveland-Cliffs CF-1s (resolutions 2016-14, 2019-06, 2019-07 and 2019-08). Councilwoman Biancardi seconded the motion. Councilwoman Biancardi stated Ania said there was some planning and so, I think it would be great, whether you have an update next month or when you have some more solid information, that that can be shared with us. Councilman Hull stated just to fill you in on a little bit of history with this, previous owners a lot of times would file for abatement and as a unit we would never have any oversight over it once the abatement was approved. So, that is why this is a little bit different. The County has you come back to us for that. Part of that, was additional facilities inside your property with previous owners. The biggest thing we need from you is somebody come by and explain to us what exactly it is. Kind of like you are because, we all do different jobs and we don't really all understand it. If we have a question, we just put the brakes on. Next year, you ought to be able to work on through it, right on time and we shouldn't have any problems. Ms. Ediger stated we will be happy to do that. We appreciate the feedback. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

Councilman Loving informed the Council and Cleveland-Cliffs that the Town's Fire Department and ambulance service has been parked at the Mill one out of every three days

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since we last spoke. Can we get an update on where we stand on that and the Shadyside land next month?

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

Discussed previously in the meeting.

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

After discussion of Sanitary Board discussing this matter month by month, number of delinquent accounts, and payment plan, Councilwoman Biancardi made a motion to affirm the waiving of sanitary late fees for the month of July due to Indiana's state health emergency. Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

**Schedule budget meetings:**

Council scheduled budget meetings for Monday, August 9, 2021 and Thursday, August 12, 2021 beginning at 5:30 p.m.

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

Matter tabled.

**Instate trash service fee:**

Councilman Loving informed that due to the fluctuations in trash and recycling market, the Town may need to consider going out for bids.

**Other Business:**

Council discussed the need for a policy to address parttime employees attending physical therapy and doctors' appointments during work hours when on workers compensation. Matter was tabled.

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

Fire Chief Arney thanked the Town of Burns Harbor and City of Portage Police Departments for this assistance with a recent emergency call.

Burns Harbor resident Sarah Oudman of Clifford Way, thanked the Burns Harbor Police and Fire Departments for their support in the community.

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 7:57 p.m.

Approved at August 11, 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