

**TOWN OF MUNSTER  
MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL  
SEPTEMBER 19, 2016**

A regular meeting of the Munster Town Council convened at 7:00 p.m. on Monday, September 19, 2016, at the Munster Town Hall. Town Councilors Andy Koultourides, Lee Ann Mellon, David B. Nellans, John P. Reed, and Joseph A. Simonetto were present. Mr. Reed presided. Also present were Clerk-Treasurer David F. Shafer, Accounting Supervisor Patricia L. Abbott, Town Manager Dustin Anderson, Town Attorney David W. Westland, Chief of Police Stephen F. Scheckel, Sergeant Daymon Johnston, Sergeant Marc Cochran, and Management Analyst Kate Lewis-Lakin. The news media were represented by Jim Masters of the *Post-Tribune*, and Mary Wilds of *The Times*.

President Reed began the meeting with a moment of silence followed by the Pledge of Allegiance.

**PRESENTATION: SAGAMORE OF THE WABASH**

Russell A. Snyder was a member of the Munster Park Board from 1968-1971 and the Town Board from 1971-1987 serving as its president in the years 1974, 1979, 1980, and 1985. After retiring from the Town Board, Mr. Snyder served on the Munster Municipal Center Corporation. He served as Munster's representative to the Hammond Sanitary District from 1994-2011. During his tenure, Mr. Snyder worked to secure the former landfill which has become Centennial Park, the construction of Town Hall and the Public Works Garage. Mr. Snyder retired from U.S. Steel in 1985 and began a career in commercial real estate. He has been a member of the Munster Lions for 55 years, a member of Ridge United Methodist Church, and a member of the Children of Abraham.

Indiana General Assembly 12<sup>th</sup> District Representative Bill Fine presented Mr. Russell Snyder with the Sagamore of the Wabash on behalf of Governor Pence. The Sagamore of the Wabash is an honorary award conferred by the Governor of the State of Indiana to men or women who have provided distinguished service to the state. The term "sagamore" was used by American Indians to describe great men within the tribe from whom the chief would seek counsel.

The Council and former Town officials congratulated and thanked Mr. Snyder for his many years of service to the Town of Munster.

**PUBLIC HEARING - 2017 BUDGET**

This evening, under New Business, *infra*, the Council will have first reading on Ordinance 1691, an ordinance for appropriations and tax rates for 2017. Numerous changes were made by the General Assembly in their last session in regard to the budget adoption process. Among these changes, counties no longer review the budgets of individual units. The Department of Local Government Finance (DLGF) is required to provide certain revenue estimates of state-distributed revenues as well as circuit breaker estimates. Municipalities are now required to include the estimated impact of circuit breakers in the budget.

The General Fund is able to continue covering its expenses in full. Concerns remain with the Motor Vehicle Highway, Park, Sewer Maintenance, and Self-Funded Medical/Dental/Life Insurance Funds. Staff will continue to review these funds and determine options for proceeding.

Staff is requesting the Council approve a shortfall appeal which would allow the Town the opportunity to capture more property tax levy in order to compensate for the lost revenues from the successful appeals of Community Hospital and Franciscan Hospital. If granted, this will improve the revenue streams for the General, Motor Vehicle Highway, Park and Recreation, and Redevelopment Funds.

Because the final, certified budget can never be higher than what was advertised, the budget as estimated and advertised for 2017 is purposely overstated. The amounts in the ordinance are within the advertised amounts. It serves our citizens no useful purpose to underestimate a budget and risk curtailment of essential services. However,

it is anticipated that the final, certified budget will be less than what will be adopted, and the Town Council is ultimately responsible for finding that balance between providing adequate service and not exceeding statutory spending limits.

State statute requires that town budgets be submitted to the DLGF electronically. This is done through the Gateway website and will allow the public to access the information. Ordinance 1691 has been drafted to match the submittal that will be made through Gateway after budget adoption.

Clerk-Treasurer Shafer briefed the Council on the proposed budget for 2017 and reviewed the budget process and methodology.

President Reed opened the floor for the purpose of receiving public comment on the proposed 2017 budget.

There being no one requesting to speak, the floor was closed and the public hearing was adjourned.

#### **GRADE SEPARATION UPDATE**

Mr. Anderson reported that a change order with Grimmer Construction and contract with Walsh & Kelly are to be considered later in the agenda and that weather permitting, paving of the 800' of roadway could begin this week. The environmental document needs ministerial changes.

#### **OPEN TO THE PUBLIC**

Mr. Terry Steagall, a representative of United Steelworkers Local #1010, requested the Council adopt a resolution opposing the Trans-Pacific Partnership (TPP). The TPP is a trade deal being considered by Congress.

Mr. Carlos Luna, President of United Steelworkers Local #2003 and Lake Station Councilman, echoed Mr. Steagall's comments. Mr. Luna stated that numerous municipalities have adopted resolutions and asked the Town to do the same.

No one else rose to claim the floor, and the floor was closed.

#### **CONSENT AGENDA**

#### **APPROVAL OF MINUTES**

Approval of the minutes of the special meeting held on September 6, 2016

#### **ACCOUNTS PAYABLE VOUCHER REGISTERS**

Confirmation of Voucher Register #16-9E dated 09/07/16 totaling \$156.51  
Confirmation of Voucher Register #16-9F dated 09/09/16 totaling \$104,024.68  
Confirmation of Voucher Register #16-9G dated 09/09/16 totaling \$79,883.71  
Confirmation of Voucher Register #16-9H dated 09/07/16 totaling \$666.58  
Confirmation of Voucher Register #16-9I dated 09/08/16 totaling \$459,233.81  
Confirmation of Voucher Register #16-9J dated 09/08/16 totaling \$5,400,000.00  
Confirmation of Voucher Register #16-9K dated 09/13/16 totaling \$187.31  
Approval of Voucher Register #16-9L dated 09/19/16 totaling \$218,759.16  
Confirmation of Voucher Register #16-9M dated 09/14/16 totaling \$139,170.45  
Approval of Voucher Register #16-9N dated 09/14/16 totaling \$93,529.74  
Confirmation of Voucher Register #16-9O dated 09/15/16 totaling \$251,134.81  
Confirmation of Voucher Register #16-9P dated 09/16/16 totaling \$372,296.27  
Confirmation of Voucher Register #16-9Q dated 09/16/16 totaling \$336,226.00

**TREASURER'S REPORT**

The August 2016 Treasurer's Report was presented for acceptance.

Councilor Simonetto moved, with a second by Councilor Mellon, to suspend the rules, waive the readings, and adopt the Consent Agenda as presented. Councilors Koultourides, Mellon, Nellans, Simonetto, and Reed voted in favor; none voted against. The motion carried and the Consent Agenda was adopted as presented.

**GENERAL ORDERS**

**DEVELOPMENT STANDARDS FOR THE MUNSTER BUSINESS COMPLEX**

Staff presented the draft *Developmental Standards for the Munster Business Complex Business Planned Unit Development*. The document was reviewed by the Plan Commission at its September 13, 2016 meeting. The Plan Commission unanimously recommended adoption by the Town Council.

Councilor Simonetto moved, with a second by Councilor Koultourides, to approve the Munster Business Complex Standards as recommended by the Plan Commission. Motion carried *viva voce*.

**NEW BUSINESS**

**RESOLUTION 2013: EXCESS LEVY APPEAL**

Proposed RESOLUTION 2013 is A RESOLUTION AUTHORIZING AND APPROVING A PETITION FOR A LEVY APPEAL TO BE FILED WITH THE INDIANA DEPARTMENT OF LOCAL GOVERNMENT FINANCE. Indiana Code 6-1.1-18.5-3 imposes limitations on the amount of property taxes that can be levied by the Town. Other sections of IC 6-1.1-18.5-3 allow exceptions to those limitations. I.C. 6-1.1-18.5-16 allows an excess levy appeal for property tax shortfalls due to erroneous assessed valuation. This appeal includes refunds paid on successful assessment appeals and can be filed for the past three years.

Over the past two years, the Town experienced marked shortfalls due to the successful appeals of Community Hospital and Franciscan Hospital. The amounts are derived from reports supplied by the Lake County Auditor's Office for the pay 2013, 2014, and 2015 tax years. These amounts include all assessment appeal amounts not just those of Community and Franciscan Hospitals. The total appeal will be as follows.

Pay 2013	\$ 608,750
Pay 2014	\$ 436,810
Pay 2015	<u>\$ 316,407</u>
Total Appeal	\$1,361,967

Resolution 2013 has been prepared to authorize the Town Council President to execute the petition required to file for these appeals.

Councilor Koultourides moved, with a second by Councilor Simonetto, to adopt Resolution 2013 as presented. Councilors Koultourides, Mellon, Nellans, Simonetto, and Reed voted in favor; none voted against. Motion carried and Resolution 2013 was adopted as presented.

**ORDINANCE 1690: AMENDMENT NO. 6 TO THE 2016 SALARY ORDINANCE**

Introduced ORDINANCE 1690 is AN ORDINANCE AMENDING ORDINANCE 1672, THE 2016 PAY PLAN FOR THE TOWN OF MUNSTER, INDIANA (AMENDMENT NUMBER 6 TO THE 2016 SALARY ORDINANCE). This matter was considered by the Town Council on first reading on September 6, 2016.

The 2016 Salary Ordinance was adopted by the Town Council as Ordinance 1672 on December 28, 2016. Among other things, the 2016 Salary Ordinance continued the authorization of the position of Accounting Supervisor in the Clerk-Treasurer's Office at Job Grade 15.

Recently, the Town Council initiated evaluation of several Town of Munster employment positions, including that of the Accounting Supervisor. It has been determined that the position of Accounting Supervisor should be upgraded to Job Grade 17 and renamed Controller. Accordingly, Ordinance 1690 has been drafted to eliminate the position of Accounting Supervisor and to create the position of Controller.

Councilor Mellon moved, with a second by Councilor Koultourides, to adopt introduced Ordinance 1690 on second reading as presented, upgrading and renaming the Accounting Supervisor position as Controller in the Clerk-Treasurer's Office. Councilors Koultourides, Mellon, Nellans, Simonetto, and Reed voted in favor; none voted against. Motion carried.

#### **ORDINANCE 1691: 2017 BUDGET**

Proposed ORDINANCE 1691 is AN ORDINANCE FOR APPROPRIATIONS AND TAX RATE FOR 2017. This was the subject of a public hearing *supra*.

Councilor Simonetto moved, with a second by Councilor Koultourides, to hear Ordinance 1691 on first reading and set second reading and adoption for October 17, 2016. Motion carried *viva voce*.

#### **ORDINANCE 1692: CREATION OF WHEEL TAX FUND**

Proposed ORDINANCE 1692 is AN ORDINANCE CREATING THE MOTOR VEHICLE EXCISE SURTAX AND WHEEL TAX FUND "WHEEL TAX FUND" (258). Earlier this year, the Town Council adopted a Motor Vehicle Excise Surtax and Wheel Tax under Ordinance 1682. Collection from taxpayers will begin next year. The anticipated revenue and expenditures have been included in the 2017 budget process.

In order to account for the receipts and disbursements of these monies, a new fund must be created. Ordinance 1692 has been drafted for this purpose.

Councilor Simonetto moved, with a second by Councilor Mellon, to suspend the rules, waive the readings, and adopt Ordinance 1692 on first reading as presented. Councilors Koultourides, Mellon, Nellans, Simonetto, and Reed voted in favor; none voted against. Motion carried.

#### **ORDINANCE 1693: RENAMING THE LOIT – PUBLIC SAFETY FUND 249**

Proposed ORDINANCE 1693 is AN ORDINANCE RENAMING THE LOCAL OPTION INCOME TAX – PUBLIC SAFETY FUND "LIT – PUBLIC SAFETY FUND" (249). The Lake County Council adopted a local option income tax effective October 2013. At that time, the Council adopted Ordinance 1618 creating the LOIT – Public Safety Fund 249. This fund accounts for only the public safety portion of the tax.

During their most recent session, the General Assembly made numerous changes to the various local option taxes. As a result, the Town needs to rename the funds that are used to account for these monies. Ordinance 1693 has been drafted for this purpose.

Councilor Simonetto moved, with a second by Councilor Koultourides, to suspend the rules, waive the readings, and adopt Ordinance 1693 on first reading as presented. Councilors Koultourides, Mellon, Nellans, Simonetto, and Reed voted in favor; none voted against. Motion carried.

#### **ORDINANCE 1694: RENAMING THE CREDIT FUND 209**

Proposed ORDINANCE 1694 is AN ORDINANCE RENAMING THE COUNTY ECONOMIC DEVELOPMENT INCOME TAX "CREDIT" FUND (209). The Lake County Council adopted a local option income tax effective October 2013. At that time, the Council adopted Ordinance 1617 creating the County Economic

Development Income Tax "CEDIT" Fund 209. This fund accounts for the economic development portion of the tax only.

During their most recent session, the General Assembly made numerous changes to the various local option taxes. As a result, the Town needs to rename the funds that are used to account for these monies. Ordinance 1694 has been drafted to rename the County Economic Development Income Tax "CEDIT" Fund 209 the LIT – Economic Development Fund 209.

Councilor Simonetto moved, with a second by Councilor Koultourides, to suspend the rules, waive the readings, and adopt Ordinance 1694 on first reading as presented. Councilors Koultourides, Mellon, Nellans, Simonetto, and Reed voted in favor; none voted against. Motion carried

**PUBLIC-FINANCE.COM LEASE AGREEMENT: POLICE EQUIPMENT**

At the May 2, 2016 meeting, the Council approved the purchase of seven 2017 Ford Police Interceptor Utility police vehicles at a cost of \$39,170.45 excluding equipment. At the June 20, 2016 meeting, the Council approved the lease documents for these vehicles.

The final cost to fully equip all seven of the vehicles is \$93,529.74. Miner Electronics has performed the installation work in the past for the Town, and Staff has been satisfied with both their work and pricing. The equipment and installation will be added to the lease with PublicFinance.com at a nominal annual rate of 2.493% over three years with the first payment due January 2017.

Councilor Simonetto moved, with a second by Councilor Nellans, to authorize the purchase of equipment from Miner Electronics for seven 2014 Ford Police Interceptor Sport Utility Vehicles. Motion carried *viva voce*.

**COPIER LEASE**

At the October 10, 2011 meeting, the Council approved a lease-rental extension for the copiers used at all Town facilities. This five-year lease ends October 2016. With the five-year lease nearing its end, Staff sought quotes for a new lease to include seven new copiers to replace those on the current lease located in the following offices: Town Manager, Police, Fire, Public Works, Building, Clerk-Treasurer, and Parks and Recreation. The quotes received as follows.

<u>Vendor</u>	<u>Location</u>	<u>Quarterly Lease Amount</u>
McShane's Business Products and Solutions, Inc.	Munster, Indiana	\$ 6,413.00
Proven Business Solutions, Inc.	Tinley Park, Illinois	\$ 6,426.00
Cutting Edge Copier, Inc.	Merrillville, Indiana	\$ 6,599.00

Staff recommended accepting the quote from McShane's Business Products and Solutions, Inc. which is also the current provider. It is a sixty-month lease with quarterly payments of \$6,413.00 (\$4,236.00 for equipment and \$2,177.00 for service and supplies) which totals \$128,260.00 over the life of the lease. This is a reduction in the current pricing including overages.

Councilor Mellon moved, with a second by Councilor Koultourides, to approve the new copier lease with McShane's Business Products and Solutions, Inc. for quarterly payments of \$6,413.00 for a lease term of sixty months. Motion carried *viva voce*.

**ORDINANCE 1695: ADDITIONAL APPROPRIATIONS (1)**

Proposed ORDINANCE 1695 is AN ORDINANCE FOR THE ADDITIONAL APPROPRIATIONS OF FUNDS FOR THE YEAR 2016 (1). Staff has reviewed all funds to determine if the need and the ability exist to

5/8

warrant going through the additional appropriations process. Seven Funds have been identified as fitting the criteria as follows.

The distribution amounts for the LIT-Economic Development Fund 209 are greater than anticipated when the 2016 budget was prepared. The Town has committed to setting aside 34% of the distributions for public transportation. These funds will also be used for the Town's match for the Grade Separation Project. While it is not anticipated that matching funds will be needed this year, authorizing the additional appropriations ensures the ability to make these payments if needed. Appropriation request: \$920,530.

At the September 6, 2016 meeting, the Council authorized a new, full-time employee for IT. This employee will be partially funded through the Technology Fund 247. In addition, new iPads for the Council and audio-visual upgrades to the main meeting room are scheduled. The Technology Fund 247 has sufficient cash on hand that is unappropriated to support all of these expenditures. Appropriation request: \$70,000.

The distributions to the LIT-Public Safety Fund 249 are greater than anticipated when the 2016 budget was prepared. This fund is used to pay the Police vehicle allowance, the contract with All City Management Services of crossing guards as well as equipment needs for both Police and Fire Departments. An additional appropriation will allow expenditure of these funds if the need arises. Appropriation request: \$965,610.

The LOIT Special Distribution Fund 257 was created earlier this year to receive a one-time distribution of \$688,592. These funds will be used for the Town's match for the Grade Separation Project. While it is not anticipated that matching funds will be needed this year, authorizing additional appropriations ensures the ability to make these payments if needed. Appropriation request: \$687,952.

The Electric Fund 270 receives its revenues from electricity sold to NIPSCO. The funds are used to pay the NIPSCO bills for street lights and traffic signals. Revenues are higher than what was anticipated last year when the 2016 budget was created. An additional appropriation will allow the Electric Fund 270 to continue paying the NIPSCO bills instead of relying on other operating funds. Appropriation request: \$110,944.

The Self-Funded Liability Insurance Fund 580 covers the non-health insurance premiums and claims. There is adequate cash to support an additional appropriation which will ensure there are adequate appropriations if a large claim finalizes prior to year-end. Appropriation request: \$150,000.

Staff is contemplating a rate study to ensure the water rates are appropriate. The Water Cash Operating Fund 601 has adequate cash on hand to support this. Appropriation request: \$50,000.

The procedure for securing the additional appropriations requires a public hearing, scheduled for October 17, 2016, and the adoption of an ordinance by the Town Council. Upon passage of the ordinance, the additional appropriations will go into effect.

Councilor Simonetto moved, with a second by Councilor Koultourides, hear proposed Ordinance 1695 for additional appropriations on first reading, and schedule a public hearing and second reading for October 17, 2016. Motion carried *viva voce*.

#### **ORDINANCE 1696: AMENDMENT NO. 7 TO 2016 SALARY ORDINANCE**

Proposed ORDINANCE 1696 is AN ORDINANCE AMENDING ORDINANCE 1672, THE 2016 PAY PLAN FOR THE TOWN OF MUNSTER, INDIANA (AMENDMENT NUMBER 7 TO THE 2016 SALARY ORDINANCE). At the September 15, 2016 meeting, the Board of Safety and the Police Chief reviewed a new organizational chart for the Police Department. Chief Scheckel recommended and the Board of Safety approved three lieutenant positions and the removal of the Deputy Chief position. The Board of Safety also recommended the Council approve a total of 42 sworn officers. In order to achieve these goals, the following changes must be made to the 2016 Salary Ordinance.

6/8

	Current	Proposed
Chief	1	1
Deputy Chief or Administrative Aide	1	0
Lieutenant	3	3
Sergeant	8 (6 if 3 Lieutenants)	8 total
Probationary, 2 <sup>nd</sup> Class, 1 <sup>st</sup> Class Officers	30 total	30 total

Chief Scheckel has determined that this will provide effective staffing and the Board of Safety agreed. In addition, Chief Scheckel and the Board of Safety requested the changes be authorized as soon as possible and retroactive to the nearest pay period to allow an anticipated promotion to Lieutenant to be expedited. Staff drafted Ordinance 1696 to reflect these requests.

Councilor Simonetto moved, with a second by Councilor Koultourides, to suspend the rules, waive the readings, and adopt Ordinance 1696 on first reading as presented. Councilors Koultourides, Mellon, Nellans, Simonetto, and Reed voted in favor; none voted against. Motion carried and Ordinance 1696 was adopted on first reading as presented.

**APPROVAL OF CHANGE ORDER: GRIMMER CONSTRUCTION**

At the November 9, 2015 meeting, the Council awarded a bid to Grimmer Construction for 45<sup>th</sup> Street Sewer Improvements for \$429,714.00. A change order was authorized at the December 14, 2015 meeting for the installation of a storm sewer stub in the amount of \$1,200.00. This brought the total authorized to \$430,914.00. This work has been completed at a total cost of \$416,210.09.

Staff is now requesting approval of a second change order to facilitate paving the 800' of roadway. Grimmer Construction will install one manhole and two catch basins at a cost not to exceed \$10,722.50.

Councilor Koultourides moved, with a second by Councilor Simonetto, to authorize the change order with Grimmer Construction in an amount not to exceed \$10,722.50. Motion carried *viva voce*.

**APPROVAL OF CONTRACT: WALSH & KELLY**

As part of the Centennial Village Development, the Town is responsible for paving 800' of the realigned 45<sup>th</sup> Street. Grimmer Construction has completed the underground work and graded the roadway. The actual paving can now begin. It is anticipated the work will be completed this construction season.

Currently, Walsh & Kelly have the contract to perform paving in Town. In addition, Walsh & Kelly has a contract with the developer of Centennial Village to perform the internal roadway construction. Using the same vendor will provide benefits to both the Town and the developer by having a single mobilization of equipment and personnel as well as continuity of work product.

Walsh & Kelly will perform the work for \$149,756.60 which is below the bidding requirement. However, Staff sought a quote from Reith Riley who would perform the work for \$189,907.90. Staff originally budgeted \$615,573.51 for the total construction of the road. Assuming Council awards the contract to Walsh & Kelly, the total committed will be \$586,670.80 or \$28,902.71 under the original estimate.

Councilor Koultourides moved, with a second by Councilor Simonetto, to authorize the Town of Munster to enter into a contract with Walsh & Kelly to pave the 800' of road at the Centennial Village Development at an amount not to exceed \$149,756.60. Motion carried *viva voce*.

**ANNOUNCEMENTS**

(Unless stated otherwise, all meetings of the Town Council begin at 7:00 p.m. at the Munster Town Hall.)

7/8

The Town Council will hold regular meetings on Monday, October 3 and 17, 2016. The Redevelopment Commission will hold a regular meeting immediately following the Town Council Meeting.

**ADJOURNMENT**

There being no further business to come before the Council, and upon a motion by Councilor Koulourides, with a second by Councilor Simonetto, the meeting adjourned at 7:39 p.m.

**ATTEST:**

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**John P. Reed, President**

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**David F. Shafer, IAMC, MMC, CMO, Clerk-Treasurer**