

**TOWN OF MUNSTER
MINUTES OF A MEETING OF THE TOWN COUNCIL
MARCH 10, 2014**

A regular meeting of the Munster Town Council convened at 7:00 p.m. on Monday, March 10, 2014, at the Munster Town Hall. Town Councilors John W. Edington, Andy Koulourides, David B. Nellans, Joseph A. Simonetto, and John P. Reed were present. Mr. Reed presided. Also present were Clerk-Treasurer David F. Shafer, Accounting Supervisor Patricia L. Abbott, Town Manager Thomas F. DeGiulio, Town Attorney Eugene M. Feingold, Assistant Town Manager Clay T. Johnson, Chief of Police Stephen F. Scheckel, and Town Engineer James M. Mandon. The news media were represented by Jim Masters of *The Times* and Ron Johnson of *Northwest Indiana News Bureau*, an online news service.

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

PUBLIC HEARINGS – TAX ABATEMENT: AM MANUFACTURING & THREE FLOYDS BREWING

AM Manufacturing is a light manufacturing company that builds dough processing machines for the food industry. At the January 27, 2014, meeting, the Council adopted Resolution 1984, a preliminary resolution for tax abatement. The Indiana Economic Development Corporation informed the Town that AM Manufacturing has closed the lease with Simborg and will officially relocate to Lake Business Center. The lease term is ten years with four, five-year options for renewal.

Representatives of AM Manufacturing were present to request \$100,000.00 in personal property abatement over seven years and \$200,000.00 in cash. As there are a number of projects in line, Staff recommended extending the tax abatement to ten years with no cash incentive.

Three Floyds Brewing has purchased the lot north of its current building and is planning an expansion which will double its size. At the January 27, 2014, meeting, the Council adopted Resolution 1983, a preliminary resolution for tax abatement. The project will be considered by the Plan Commission in April 2014.

Representatives of Three Floyds were present to request five-year abatement on both real and personal property. The request is for sliding scale abatement with 10% rolling off the abatement each of the five years. If approved, Three Floyds estimated it will pay \$643,000.00 in property taxes and receive \$477,000.00 in abatement. Three Floyds is requesting an extension of the occupancy date requirement to December 31, 2015.

President Reed opened the floor for the purpose of receiving public comment on the proposed tax abatements for AM Manufacturing and Three Floyds.

There being no one desiring to speak, President Reed closed the floor and adjourned the public hearing.

GRADE SEPARATION REPORT

Robinson Engineering representative Joe Nordman reported that he had met with the developer's engineer and requested an updated site plan. The utility coordination meeting is on schedule for March 18, 2014. The video presentation from the prior meeting was shown again for those that were absent at its first viewing.

OPEN TO THE PUBLIC

Mr. Jerry Baffa, 910 Ridge Road, is a member of the Board of Safety and suggested the creation of a "Chief's Park" on Town Hall property to commemorate the past Police and Fire Chiefs of Munster.

Ms. Millie Gabrys, owner of Big N Little Shoes at 8141 Calumet Avenue, stated that developer Bruce Boyer promised that a parking lot by the water tank would be available for employees, but it has not happened. Ms. Gabrys expressed strong concern over the inadequate parking at the development. She asked the Town Council for help. Mr. DeGiulio explained that the plan for the parking lot was linked to the acquisition of the hot dog stand, but that acquisition has been abandoned.

Mr. Sunde Shah and Mr. Gopah Shah, representatives of Northwest Urgent Care at 8135 Calumet Avenue, repeated concerns about poor parking at the Munster Shops development. President Reed explained that their dispute appears to be between the developer and themselves.

There being no one else requesting to speak, the floor was closed.

CONSENT AGENDA

APPROVAL OF MINUTES

Approval of the minutes of the regular meeting held on February 24, 2014

ACCOUNTS PAYABLE VOUCHER REGISTERS

Confirmation of Voucher Register #14-2S dated 02/27/14 totaling \$292,300.03
Confirmation of Voucher Register #14-2T dated 02/28/14 totaling \$219,000.68
Approval of Voucher Register #14-3A dated 03/10/14 totaling \$94,799.50
Confirmation of Voucher Register #14-3B dated 03/06/14 totaling \$358,070.97
Confirmation of Voucher Register #14-3C dated 03/07/14 totaling \$338,380.41
Confirmation of Voucher Register #14-3D dated 03/07/14 totaling \$294,532.40

TOWN OF MUNSTER REDEVELOPMENT COMMISSION 2013 ANNUAL REPORT

Indiana Code 36-7-14-13 requires a redevelopment commission to submit a report not later than March 15 each year describing the activities of the redevelopment commission during the prior year. The Clerk-Treasurer's Office and the Town Manager's Office cooperatively generated the 2013 Annual Report of the Munster Redevelopment Commission that meets all of the statutory requirements. The public can access this report through the Indiana Department of Local Government Finance via the Gateway system.

ADJUSTMENT TO WATER BILLS

At the April 8, 2013, meeting, the Council adopted a policy to allow water bill adjustments due to water leaks. Under the policy, the customer must sign an affidavit stating there was a leak, the leak has been repaired, and request an adjustment from the Water Board. Adjustments are allowed one time per twelve-month period. The adjustment is based on an average of the usage over the previous twelve months.

Staff received two requests for adjustments under this policy. Each customer has completed the required form and the requests meet all the criteria for an adjustment.

Customer	Average Usage	Actual Usage	Length of Time	Original Bill	Requested Adjustment Amount	Adjusted Bill
1	3,000	117,000	1 month	\$ 301.62	\$ 277.15	\$ 24.47
2	11,000	23,000	1 month	\$ 67.12	\$ 33.39	\$ 33.73

The amounts listed are for water and sales tax only. All other regular charges will remain unchanged.

ADDITIONAL OUTSTANDING CHECKS

On February 24, 2014, the Town Council received a report of checks outstanding for more than two years. Those checks were declared void, the amounts were entered as a receipt to the fund or funds upon which the checks were originally drawn, and the checks were removed from the list of outstanding checks.

Last week, four additional outstanding checks were discovered. These checks were drawn by UMR, the third-party administrator that pays health insurance claims on the Town's behalf. Accordingly, the checks listed on the exhibit attached to the memorandum are declared void, the amounts so listed are entered as a receipt to the fund or funds upon which they were originally drawn, and the checks are removed from the list of outstanding checks.

Checks Outstanding Two or More Years as of December 31, 2013					
Fund	Check No.	Check Date	Paid to the Order of	Check Amount	For
504	11196	1/21/11	Kevin Dark	\$15.00	Health Claims
504	200128	4/20/11	Northwest Orth	\$52.14	Health Claims
504	200535	8/17/11	Natan Scher MD LTD	\$90.58	Health Claims
504	201032	12/20/11	Ortho Pediatric Spine	\$243.54	Health Claims
			Total	\$401.26	

Honoring, cashing, or accepting for payment or deposit any of these voided checks would be a violation of IC 5-11-10.5-2.

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

GENERAL ORDERS

RESOLUTION 1985: CONFIRMATORY RESOLUTION TAX ABATEMENT – AM MANUFACTURING

Proposed ORDINANCE 1985 is A CONFIRMATORY RESOLUTION DECLARING AN ADDITIONAL PARTICULAR AREA WITHIN THE TOWN OF MUNSTER AS ECONOMIC REVITALIZATION AREAS FOR THE PURPOSE OF ENCOURAGING DEVELOPMENT AND OCCUPANCY THEREIN BY PROVIDING PERSONAL PROPERTY TAX DEDUCTIONS IN ACCORDANCE WITH THE PROVISIONS OF I.C. 6-1.1-12.1, AS AMENDED (AM Manufacturing, Approximately 9200 Calumet Avenue). This matter was the subject of a public hearing *supra*.

Councilor Simonetto moved, with a second by Councilor Edington, to adopt Resolution 1985 as presented. Councilors Edington, Koulourides, Nellans, Simonetto, and Reed voted in favor; none voted against. Motion carried and Resolution 1985 was adopted as presented.

**RESOLUTION 1986: CONFIRMATORY RESOLUTION
TAX ABATEMENT – THREE FLOYDS BREWING, LLC**

Proposed RESOLUTION 1986 is A CONFIRMATORY RESOLUTION DECLARING AN ADDITIONAL PARTICULAR AREA WITHIN THE TOWN OF MUNSTER AS ECONOMIC REVITALIZATION AREAS FOR THE PURPOSE OF ENCOURAGING DEVELOPMENT AND OCCUPANCY THEREIN BY PROVIDING REAL AND PERSONAL PROPERTY TAX DEDUCTIONS IN ACCORDANCE WITH THE PROVISIONS OF I.C. 6-1.1-12.1, AS AMENDED (Three Floyds Brewing, LLC, 9748 & 9750 Indiana Parkway). This matter was the subject of a public hearing *supra*.

Councilor Simonetto moved, with a second by Councilor Edington, to adopt Resolution 1986 as presented. Councilors Edington, Koultourides, Nellans, Simonetto, and Reed voted in favor; none voted against. Motion carried and Resolution 1986 was adopted as presented.

ORDINANCE 1622: 2014 BUDGET CONFIRMATION

Introduced ORDINANCE 1622 is AN ORDINANCE FOR TRANSFERS WITHIN CERTAIN APPROPRIATED FUNDS FOR THE YEAR 2014. First reading on this ordinance was held at the February 24, 2014 meeting. Ordinance 1622 authorized budget transfers between major expenditure groups and confirms the budget amounts certified by the Department of Local Government Finance (controlled funds) or previously adopted (non-controlled funds).

Councilor Simonetto moved, with a second by Councilor Nellans, adopt Ordinance 1622 on second reading as presented. Councilors Edington, Koultourides, Nellans, Simonetto, and Reed voted in favor; none voted against. The motion carried and Ordinance 1622 was adopted.

NEW BUSINESS

APPLICATION FOR TIGER GRANT

The federal government has announced a new round of Transportation Investment Generating Economic Recovery (TIGER) grants. This is a very competitive grant process with only 10% of applicants receiving approval. The minimum application is \$10 million and the Grade Separation project fits this type of funding. Staff has discussed the matter with INDOT and Barnes & Thornburg. The application process includes engineering, technical and narrative detail. Barnes & Thornburg will discuss the matter with the offices of both Senator Coats and Donnelly. In addition, Congressman Visclosky and local businesses will be contacted for letters of support. Applications are due April 28, 2014.

The application process will require considerable effort from both Staff and Robinson Engineering. There is significant work beyond the INDOT-required submittals for engineering data. Robinson Engineering estimated the extra time involved will result in an additional \$35,000.00 in fees.

Staff also recommended engaging Ms. LuAnn Franklin to write the narrative. Ms. Franklin was a reporter for *The Times of Northwest Indiana* assigned to the Town of Munster and she has background knowledge of the project. She is now retired from *The Times* and does freelance writing.

Councilor Nellans observed that the Town considered applying for this in 2010, but the project was not shovel-ready. We are now better positioned to apply for the grant by the April 28, 2014, deadline.

Councilor Simonetto moved, with a second by Councilor Edington, to authorize submittal of a 2014 TIGER Grant for Phase I and possibly Phase II of the 45th Street/Calumet Avenue Grade Separation Project, to authorize Robinson Engineering to prepare an engineering agreement for the extra work to be submitted for the TIGER Grant estimated at \$35,000.00, to authorize the Town Manager to engage a freelance writer to assist in the grant narrative preparation, and for Staff to keep the Council apprised of progress on the project. Motion carried *viva voce*.

FIRE HYDRANT TESTING AND FLUSHING

Staff has held discussions with M.E. Simpson, Co., Inc. regarding hydrant flow testing and flushing of the estimated 1,100 fire hydrants in Town. This is a local company that has performed this work in adjacent communities. As part of the agreement, M.E. Simpson will provide inspection documentation and flow testing of all hydrants in the water distribution system. Based on their evaluation, Staff will have recorded data for every hydrant available in the GIS and for record-keeping for the ISO Fire Inspection reports. Based on the report, Staff can then repair or replace any hydrants in need.

Residents will be notified with a door hanger forty-eight hours prior to testing. The cost is \$44.00/hydrant. The total cost is estimated at \$48,400.00 but will be based on the actual number of hydrants.

Mr. Feingold observed that the form and frequency of payments is not recited in the contract. Staff will find the answers to this.

Councilor Nellans moved, with a second by Councilor Koultourides, to engage M.E. Simpson CO., Inc. to conduct fire hydrant inspection, flow testing, and flushing at a per unit cost of \$44.00 to be paid from the Water Cash Operating Fund 601. Motion carried *viva voce*.

RESOLUTION 1987: PROTECTION OF CHILDREN AND YOUTH FROM ABUSE OR NEGLECT POLICY

Proposed RESOLUTION 1987 is A RESOLUTION AMENDING THE TOWN OF MUNSTER PERSONNEL MANUAL, CHAPTER 4.1 CONDUCT OF EMPLOYEES. As part of the liability insurance coverage, Arthur J. Gallagher provided the town with language and crafted a policy for the reporting of child abuse and neglect by Town employees. Staff believes the policy is most applicable to the pool and park programs that tend to be staffed by high school and college students who may be minors. The policy provides a way for those who experience or witness such acts a way to report it to Town of Munster, Department of Child Services or other State of Indiana officials.

Councilor Simonetto moved, with a second by Councilor Koultourides, to adopt Resolution 1987 as presented. Councilors Edington, Koultourides, Nellans, Simonetto, and Reed voted in favor; none voted against. Motion carried and Resolution 1987 was adopted as presented.

INSTALLATION OF CALUMET AVENUE PUMP STATION GENERATOR

The payment for installation work by Midwestern Electric was originally scheduled to come from the lease proceeds of PublicFinance.com. At the December 30, 2013, meeting, the Council approved a partial payment to Midwestern Electric for this work from the Riverboat Fund 446. The final invoice has been received and Staff is seeking authority to make the payment from the Riverboat Fund 446.

Councilor Nellans moved, with a second by Councilor Simonetto, to approve payment to Midwestern Electric for installation of the backup generator at the Calumet Avenue Pump Station in the amount of \$71,489.00 from the Riverboat Fund 446. Motion carried *viva voce*.

POND MAINTENANCE PROPOSAL

Aquatic Control has maintained the ponds and fountains in Town since 2000 under the Clean Lake Maintenance Program. Staff received a proposal for maintenance in 2014. Maintenance includes inspections and treatments as needed for control of submerged weeds and filamentous algae, season-long maintenance of lake dye, and treatment of rip rap along Schoon Ditch. Inspections and treatments will begin in April.

Schoon Ditch and eleven ponds are included in the proposal with five in West Lakes, four in White Oak Estates, one in White Oak Woods, and one in Centennial Park. The Clean Lake Maintenance Program does not include fountain repairs or fountain removal in the fall; these costs are billed separately.

Councilor Nellans moved, with a second by Councilor Simonetto, to approve the 2014 Clean Lake Maintenance Program to Aquatic Control for eleven ponds and Schoon Ditch for a total cost of \$24,403.97 to be paid from the Sewer Maintenance Fund 280. Motion carried *viva voce*.

APPOINTMENT OF INTERIM FIRE CHIEF

Fire Chief and Director of Operations James Knesek passed away unexpectedly February 8, 2014. The Council is considering appointing an interim Fire Chief until a permanent selection can be made.

Councilor Nellans moved, with a second by Councilor Simonetto, to refer the matter to the Board of Safety for recommendation to the Town Council. Motion carried *viva voce*.

DISCUSSION OF DIRECTOR OF PUBLIC SAFETY POSITION

The general consensus of the Council is to consider creating a Public Safety Director position. This position would have jurisdiction within both the Police and Fire Departments. It is felt this would create uniformity between the departments regarding reporting.

Councilor Nellans moved, with a second by Councilor Simonetto, to forward the matter of creating a Public Safety Director position to the Board of Safety for recommendation to the Town Council. Motion carried *viva voce*.

CLOTHING ALLOWANCE FOR POLICE, FIRE, PUBLIC WORKS, AND PARK DEPARTMENTS

Staff has requested an increase in the clothing allowance for the Police, Fire, Public Works, and Park Departments. Discussion ensued regarding the appropriation amounts for each department and the associated taxability.

Councilor Simonetto moved, with a second by Councilor Nellans, to prepare an amendment to the salary ordinance to increase the clothing allowance for the Police Department to \$1,700.00 retroactive to January 1, 2014, and to defer action on the other departments. Motion carried *viva voce*.

TRANSITION PLAN

As a result of the unexpected death of Fire Chief and Director of Operations James Knesek, the Council is formulating plans to restructure and move forward.

By general consent, the Council elected to engage Voorhees & Associates to conduct a search for Mr. Knesek's replacement. Voorhees & Associates will first look at current Town employees for possible candidates. If this proves unsuccessful, Voorhees & Associates will be engaged to look to those outside of the Town

REPORTS

FIRE INSPECTION AND TRAINING REPORT

Staff presented a report with the number of inspections and training hours for the past twelve years. Councilor Nellans requested the number of units that were listed, actually inspected, not inspected and should be inspected.

CANADIAN NATIONAL RAILROAD

Staff presented a draft letter to the Canadian National Railroad regarding railroad issues. Based on the discussion, Police will now issue citations under the Indiana Code cite that carries a \$500.00 fine as opposed to the cite that carried a \$250.00 fine.

ANNOUNCEMENTS

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

The Town Council will hold an executive session on Thursday, March 13, 2014, at 6:00 p.m. for the purpose of performance evaluation.

The Town Council will hold a work-study session on Monday, March 17, 2014, to discuss the wage and salary study.

The Town Council will hold regular meetings on Monday, March 24, and April 14, 2014. The Redevelopment Commission will hold regular meetings immediately following the Town Council meetings on these dates.

ADJOURNMENT

There being no further business to come before the Council, and upon a motion by Councilor Simonetto, seconded by Councilor Nellans, the meeting adjourned at 8:43 p.m.

John P. Reed, President

ATTEST:

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