

**TOWN OF MUNSTER
MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL
SEPTEMBER 22, 2014**

A regular meeting of the Munster Town Council convened at 7:00 p.m. on Monday, September 22, 2014, at the Munster Town Hall. Town Councilors Andy Koultourides, David B. Nellans, John P. Reed, and Joseph A. Simonetto were present. Councilor John W. Edington was absent. Councilor Reed presided. Also present were Clerk-Treasurer David F. Shafer, Accounting Supervisor Patricia L. Abbott, Assistant Town Attorney Steven P. Kennedy, Chief of Police Stephen F. Scheckel, Town Engineer James Mandon, Recreation Superintendent Barbara Holajter, Interim Fire Chief Dave Pelc, and Street Department Crew Leader Chris Spolnik. 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.

HOOSIER RAILS TO TRAILS COUNCIL PRESENTATION

Mr. Raymond Porter of the Hoosier Rails to Trails Council made a presentation to the Council about efforts to recognize bike touring paths through Indiana. Mr. Porter requested the adoption of a Resolution in support.

Councilor Simonetto moved, with a second by Councilor Nellans, to defer action until the October 13, 2014 meeting after Staff has reviewed the route. Motion carried *viva voce*.

RELOCATION OF FOUR-WAY STOP FROM HOWARD AVENUE TO TAPPER AVENUE

At the regular meeting of August 11, 2014, the Council received information from Staff regarding the relocation of the stop signs at Howard and Broadmoor Avenues. Neighbors were notified in order to conduct a public hearing scheduled for this evening.

President Reed opened the floor for comment on the issue.

Mr. Alan Heinz, 8227 Howard Avenue, commented on the proposed relocation and stated the no-parking sign in the area is not enforced.

Ms. Lynda Austin, 8253 Howard Avenue, expressed concern about traffic flow around the stop sign. She state it may help on Tapper Avenue but hinder traffic on Howard Avenue. Ms. Austin believes the north-south traffic will increase on Howard as a result of the relocation.

Mr. Gilberto Alvarez, 8015 Howard Avenue, is opposed to the removal of the stop sign at Howard. Mr. Alvarez noted that nothing is said in the report about motorists who run through the sign and that the school bus drop-off is located there. Mr. Alvarez stated he is not opposed to the sign at Tapper but is concerned about safety if the current sign is removed.

Mr. Lou Surufka, 8020 Howard Avenue, has seen close calls of a crash because of running the stop signs. He wants a speed bump installed if the stop sign is removed.

Ms. Janet Witting, 8012 Kooy Drive, wants to keep the sign at Howard, but stated a sign is needed at Tapper also. The hedges at Broadmoor and Howard Avenues hinder the view when driving.

Mr. Jim Kaspar, 8021 Kooy Drive, appreciates being informed about the proposed relocation and supports the four-way stop sign at Tapper. Mr. Kaspar noted the description of the traffic study is confusing. Mr. Kaspar requested that if the stop sign must be moved to wait until the construction on Columbia Avenue is complete.

Mr. Lou Chambers, 8010 Howard Avenue, is opposed to moving the stop sign because his son is picked up by the school bus there.

Councilor Simonetto asked Chief Scheckel about enforcement. It was noted that a stop sign at Tapper would create traffic jams at peak times for the shopping center.

President Reed proposed a flashing sign at Tapper and leave Howard alone. Mr. Mandon disagreed with this stating the stop sign is not doing its intended purpose now. Mr. Mandon suggested using a solar-powered stop sign as a temporary measure. Mr. Mandon wants to give pedestrians at Tapper better protection. There are no sidewalks at Howard, so a stop sign at that location does not make sense.

Councilor Nellans would like to leave the stop sign at Howard and put better pedestrian crossings at Tapper. Chief Scheckel agrees that enhanced pedestrian crossings work well by the hospital and high school.

Mr. Lou Chambers, asked about the traffic counts.

Chief Pelc commented on the stop sign that was located at Hohman and Sunnyside Avenues. He felt it gave people, especially children, a false sense of security because they assume cars will stop.

There being no one else rising to claim the floor, the public hearing was closed.

Councilor Simonetto moved, with a second by Councilor Nellans, to defer action until further study and Staff review. Motion carried *viva voce*.

Mr. John Devine, 931 Broadmoor Avenue, is on the corner of Tapper Avenue and would favor a stop sign if it will save a child's life.

GRADE SEPARATION, CENTENNIAL PARK CLUBHOUSE AND CALUMET AVENUE TRAFFIC STUDY REPORTS

Robinson Engineering representative Joe Nordman reported the environmental study is nearing completion but does not want to submit it until the Munster Steel property is owned by the Town.

Data for the Calumet Avenue Traffic Study is still being analyzed and modeled for the timing. Robinson is working with Midwestern Electric on the modeling. Mr. Nordman stated the improvements will help, but Calumet Avenue is at capacity now.

OPEN TO THE PUBLIC

Mr. Mike Dujmovic, 1833 Tulip Lane, asked for an explanation of the drawing from the last meeting of the Munster Redevelopment Commission, the slag and fill used at the Clubhouse and why the builder of the Clubhouse does not do the repairs.

Mr. Robert Cashman, 1632 Wilson Street, commented on the situation at the Clubhouse. President Reed stated the committee will address the issues raised after the repairs.

There being no one else rising to claim the floor, the floor was closed.

CONSENT AGENDA

APPROVAL OF MINUTES

Approval of the minutes of the regular meeting held on September 8, 2014

ACCOUNTS PAYABLE VOUCHER REGISTERS

Confirmation of Voucher Register #14-9D dated 09/05/14 totaling \$341,092.68
Confirmation of Voucher Register #14-9E dated 09/10/14 totaling \$81,130.85
Confirmation of Voucher Register #14-9F dated 09/10/14 totaling \$83,884.57
Confirmation of Voucher Register #14-9G dated 09/10/14 totaling \$36.73
Confirmation of Voucher Register #14-9H dated 09/11/14 totaling \$110,034.39
Confirmation of Voucher Register #14-9I dated 09/16/14 totaling \$23,280.00
Approval of Voucher Register #14-9J dated 09/22/14 totaling \$127,355.19
Confirmation of Voucher Register #14-9K dated 09/18/14 totaling \$488,518.00
Confirmation of Voucher Register #14-9L dated 09/19/14 totaling \$382,347.00
Confirmation of Voucher Register #14-9M dated 09/19/14 totaling \$291,670.62
Confirmation of Voucher Register #14-9N dated 09/18/14 totaling \$39,876.25

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

GENERAL ORDERS

RESOLUTION 1994: SCHOOL FUNDING FORMULA

Without objection, this matter was moved within General Orders in the published agenda.

Proposed RESOLUTION 1994 is A RESOLUTION SUPPORTING RECALIBRATION OF THE STATE'S SCHOOL FUNDING FORMULA. Statutory changes overhauled the method of funding public schools throughout the State of Indiana. As a result, the School Town of Munster is among the lowest funded on a per pupil basis in the entire state. Only by changing the legislation can relief be provided. School Superintendent Jeff Hendrix was present to seek support from the Town of Munster for a legislated recalibration of the state's school funding formula.

Councilor Nellans moved, with a second by Councilor Koultourides, to adopt Resolution 1994 as presented. Councilors Koultourides, Nellans, Simonetto, and Reed voted in favor; none voted against. Motion carried and Resolution 1994 was adopted as presented.

ORDINANCE 1644: NEON AND LIKE LIGHTS

Proposed ORDINANCE 1644 is AN ORDINANCE AMENDING MUNSTER TOWN CODE SECTION 26-1014 TO PROHIBIT THE USE OF NEON OR SIMILAR LIGHTING, FRAMING, WINDOWS IN ANY ZONING DISTRICT IN MUNSTER. There has been increased usage of neon or LED ribbon lighting in the commercial zones of Town. These kinds of lights are bright and distracting to drivers and the aesthetic appearance of storefronts. At its meeting of September 9, 2014, the Plan Commission unanimously voted to recommend the Council prohibit the usage of these lights in commercial areas.

Mr. Kennedy stated current lighting could be grandfathered or phased out. Ordinance 1644 has been drafted for this purpose and Staff recommended adoption on first reading.

Councilor Simonetto moved, with a second by Councilor Koultourides, to suspend the rules, waive the readings, and adopt Ordinance 1644 on first reading as presented. Councilors Koultourides, Nellans, Simonetto, and Reed voted in favor; none voted against. Motion carried and Ordinance 1644 was adopted on first reading as presented.

ORDINANCE 1643: AMENDMENT #9 TO THE 2014 SALARY ORDINANCE

Proposed ORDINANCE 1643 is AMENDMENT #9 TO ORDINANCE 1611, 2014 PAY PLAN. In 2013 the Town offered an incentive for employees who qualified to retire from employment with the Town. Four employees took advantage of the program.

With the hiring of a new Town Manager, and the anticipated hiring of or promotion to positions of Director of Parks and Recreation, Director of Operations and Fire Chief, and for other reasons, it appears to be appropriate to offer the same incentive program at this time. Proposed Ordinance 1643 has been drafted for that purpose.

Councilor Simonetto moved, with a second by Councilor Nellans, to consider Ordinance 1643 on first reading and schedule second reading for October 13, 2014. Councilors Koultourides, Nellans, Simonetto, and Reed voted in favor; none voted against. Motion carried.

CHANGE ORDER #1: COMMUNITY PARK ENTRANCE SIGNALS

Staff presented Change Order #1 for the entrance signals to Community Park. The proposed change order consists of two parts. The first calls for small wireless sensors to be installed instead of loops being cut into the private driveways on the west side of Calumet Avenue. The shortened distance of the concrete aprons makes the loop cuts more destructive and subject to a higher rate of failure than using the hockey puck-sized sensors. The wireless sensors are a relatively new technology, are reusable if the concrete is replaced, and have a fifteen-year battery life. The gross cost of the wireless sensors is \$9,630.00 and the reduced cost of cutting loops is \$2,456.40 resulting in a net increase of \$7,173.60.

The second part of the change order adds left arrow lenses for westbound to southbound traffic movements. The original specifications called for green ball lenses. Staff feels left arrow lenses increase safety by better clarifying the options available to motorists. The cost to install the left arrow lenses is \$463.00 while the green ball lenses would result in a credit of \$168.00 resulting in a net increase of \$295.00.

The total amount of Change Order #1 would be \$7,468.60.

Councilor Simonetto moved, with a second by Councilor Koultourides, to approve Change Order #1 for Community Park Entrance Signals in a total amount of \$7,468.60. Motion carried *viva voce*.

WATER BILL ADJUSTMENT

Staff has received a request for relief of a water utility bill. In 2009 the customer had a broken pipe resulting in high usage for two billing cycles. At the time there was no mechanism to provide relief for this and the customer fell behind in making payments.

After a year of making extra payments that were insufficient to cover the balance, the amount due totaled \$556.34. At that time, the customer entered a "last chance" payment plan. Under the plan, the customer agreed to make six monthly payments to satisfy the bill. If a payment was missed, the water would be shut off and service would not be reinstated until the entire bill was paid. After four payments, the customer failed to pay on time and service was discontinued in June 2010.

No payments have been received since then and the service remains disconnected. Over the past four years, the customer has written letters a number of times and the matter was referred to Town Attorney Eugene Feingold. The customer did not respond to Mr. Feingold.

For a time, the customer continued to live in the house. During that time, the account was billed for hydrant rental, sales tax on the hydrant rental, trash collection, stormwater sewer maintenance, Hammond Sanitary District administrative fees, and late fees for failure to pay timely. When the house was vacated in July 2012, all charges ceased. The amount now due is \$1,215.77.

Last week the customer came to the Clerk-Treasurer's Office seeking relief so that service can be reinstated and the house can be occupied. There are several options available and Staff seeks Council direction.

Option 1: Continue to demand full payment for services as billed. This would require a payment of \$1,215.77 before restoration of service.

Option 2: Provide relief under the terms of the current leak adjustment policy. This would reduce the amount due by \$339.73 and require a payment of \$882.04 before restoration of service.

Option 3: Waive the charges imposed after the water service was terminated for trash service. Staff is unclear which fees the customer is disputing but it is clear the garbage collection is an issue. Waiving the garbage fees would reduce the amount due by \$418.00 and require a payment of \$797.77 before restoration of service.

Option 4: Offer a payment plan. A condition of the "last chance" agreement and the standard practice is that once service is terminated, a payment plan cannot be negotiated; full payment must be made to restore service. The Indiana Administrative Code allows for three- and six-month plans to cover delinquent amounts. This amount is due in addition to any current charges.

Staff recommended Options 2 and 3 which would reduce the amount due to \$458.04 to be paid in full before water service is restored. As a matter of information, there is another account in Town in a similar situation with an outstanding balance in excess of \$4,000.00.

Councilor Koultourides moved, with a second by Councilor Nellans, to approve Options 2 and 3 which would reduce the amount due to \$458.04 to be paid in full before water service is restored. Motion carried *viva voce*.

CENTENNIAL PARK STABILIZATION PROPOSAL

At the May 27, 2014, meeting, the Council accepted the recommendation of the Design Build Committee to accept Hayward Baker as the lead contractor for the Clubhouse stabilization project. Negotiations regarding the final scope of work were also authorized.

Staff presented four objectives as follows.

Objective	Description	Duration	Cost
A	Stabilize interior columns	12-14 weeks	\$ 1,090,000
A (alternate)	Shear walls		\$ 699,000
B	Elevator repair	3-5 weeks	\$ 220,000
C	Lake wall - no warranty	5-7 weeks	\$ 527,000
C	Lake wall - warranty	9-11 weeks	\$ 800,000
D	Remove basement floor & slag	15 weeks	\$ 1,020,000
D (alternate 1)	Remove basement floor, no slag	15 weeks	\$ 840,000

Objective D is strictly a serviceability issue and does not affect the building structurally. It also does not impact other work done at the Clubhouse.

The Design Build Committee is recommending Objectives A, A (alternate), B and C with the warranty. This work totals \$2,809,000. Staff estimates an additional \$250,000 will be needed for repairs to landscaping, concrete, and professional services from Robinson Engineering and the Design Build Committee. This brings the cost to \$3,059,000. Staff believes that the funds from the refinancing of the 2012 Munster Municipal Center Corporation bonds, transfers from existing Park Bond issues, current Municipal Bond issues, and the proposed 2015 Park Bond should be adequate to cover the recommended options.

The preparatory work is estimated to take thirteen weeks and the entire project, as recommended by the Committee, is estimated to take forty-six weeks.

Mr. Nordman was not ready to make a recommendation until a building expert is consulted.

Mr. Ron Johnson of *Northwest Indiana News Bureau* asked for recognition to speak. President Reed said he would speak to the press after the meeting. Nevertheless, Mr. Johnson continued that the cost of the Clubhouse was not discussed previously. President Reed said the park was built as one project and he had heard that the Clubhouse represented \$6 million to \$7 million of the total. Town Engineer Mandon said the original contract for construction of all buildings was with Larson-Danielson at a cost of some \$10 million. Mr. Ron Johnson said Interim Town Manager Clay Johnson had previously given a quote of \$6.1 million for the Clubhouse and he wondered where he got his number. President Reed said it was an estimate.

While a joint meeting between the Town Council and Park Board was contemplated, no action was taken.

NEW BUSINESS

LETTER OF ENGAGEMENT: CONTINUING DISCLOSURE UNDERTAKING AGREEMENT

The Securities and Exchange Commission has created the Municipalities Continuing Disclosure Cooperation initiative to bring bond issuers and underwriters into compliance with SEC Rule 15c2-12. The Town has until December 1, 2014, to self-disclose material failures to comply with any continuing disclosure undertaking agreements during the specified look-back periods. This is a complex matter with a number of legal issues at play. The law firm Barnes & Thornburg, LLP has already been assisting the Town in this matter and has requested a formal letter of engagement to represent the Town.

Councilor Simonetto moved, with a second by Councilor Nellans, to engage Barnes & Thornburg, LLC to work on the continuing disclosure initiative to determine the appropriate actions to take. Motion carried *viva voce*.

CAMELLIA DRIVE DRAINAGE & PAVEMENT

The parking lot behind the multi-family buildings from 1020 to 1142 Camellia Drive has been deteriorating for several years. The paved area is flat, without surface drains and the pavement is breaking due to the lack of drainage. Surface water ponds after rain and snow. The lack of drainage and ponding has resulted in the premature rotting of fence posts which in turn has caused portions of the fencing to collapse.

The Town cannot use public funds to fix the drainage problems of a private property. As an incentive, the Town could make taps to the storm water system along 45th Street and run the pipe to the property line. Staff believes the Town could design the project and collect funds from the benefitting property owners.

Mr. Mandon has offered to design the overall drainage and paving of the area. He contacted property owners and held an informational meeting. Nine property owners attended which represents about one third of the units involved. Four other property owners expressed interest but were unable to attend the meeting. Those in attendance wanted to know the potential cost before moving forward. Mr. Mandon requested permission from the Council to proceed with the project.

Councilor Nellans moved, with a second by Councilor Simonetto, to show support and authorize Town Engineer James Mandon to move forward with the design and project while working with the residents. Motion carried *viva voce*.

RESOURCE CONSULTING: UNDERGROUND TANK CONTRACT

The Town has been working with Resource Consulting for a number of years on the underground storage tanks at the Public Works Garage. After the death of Director of Operations Jim Knesek, the project was reassigned

to Mr. Mandon. The Indiana Department of Environmental Management (IDEM) is directing the Town to continue a testing regimen. Resource Consulting has provided a proposal to meet these requirements at a cost of \$16,955.00.

Discussion ensued with Resource Consulting representative Daniel Horvath about the continuing requests from IDEM.

Councilor Simonetto moved, with a second by Councilor Nellans, to defer action on the matter. Motion carried *viva voce*.

RELOCATION OF FOUR-WAY STOP FROM HOWARD AVENUE TO TAPPER AVENUE

This matter was the subject of a public hearing and action was taken *supra*.

RESOLUTION 1993: ENDORSING BIKE PATH ROUTE

Proposed RESOLUTION 1993 is A RESOLUTION ENDORSING A ROUTE FOR BICYCLE AND PEDESTRIAN USE IN THE TOWN OF MUNSTER. The Hoosier Rails to Trails Council is promoting the United States Bicycle Route System through Indiana. The proposed resolution expresses approval and support for the development of the project and allows signs to be placed in Town to identify the route.

This matter was discussed *supra*, and action to adopt the resolution was deferred to October 13, 2014, pending study of the route by Staff.

DEPARTURE OF INTERIM TOWN MANAGER

Interim Town Manager Clay Johnson has accepted employment as the City Administrator for the City of Lincoln, Illinois. His last day in active pay status with the Town of Munster will be October 10, 2014. The Council wishes to recognize Mr. Johnson's service to the Town and to acknowledge his efforts required to relocate to out-of-state employment.

In accordance with Chapter 3.2, Section 2D of the Employee Manual of 1999, Mr. Johnson would be granted fifteen days of discretionary leave in addition to vacation payout and regular pay summarized as follows.

Regular pay (5 days)	\$ 1,346.00
Vacation payout (18.04 days)	\$ 4,856.96
Discretionary leave (15 days)	<u>\$ 4,038.00</u>
Total	\$10,240.96

Mr. Johnson will be allowed to keep the equipment, but not the service, of a tablet computer.

Councilor Simonetto moved, with a second by Councilor Nellans, to approve final pay totaling \$10,240.96 for Clay Johnson, including fifteen days of discretionary leave, plus retention of a tablet computer. Motion carried *viva voce*.

REPORTS

PURCHASE OF BUCKET TRUCK

Public Works Staff has requested the purchase of a bucket truck. The current practice is to borrow one from the School Town of Munster when needed. When that truck is not sufficient, Midwestern Electric must perform the work. Staff provided quotes for three different sizes of bucket truck. However, all the quotes were from the same vendor. The purchasing policy requires three quotes from three different vendors.

Councilor Nellans moved, with a second by Councilor Simonetto, to support this and have Mr. Spolnik research the matter. 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.)

The Town Council will hold regular meetings on Monday, October 13 and 27, 2014. 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 Simonetto, seconded by Councilor Nellans, the meeting adjourned at 9:19 p.m.

ATTEST:

John P. Reed, President

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