

**TOWN OF MUNSTER
MINUTES OF REGULAR TOWN COUNCIL MEETING
OCTOBER 24, 2005**

The regular meeting of the Munster Town Council convened at 7:18 p.m. on Monday, October 24, 2005, at the Munster Town Hall. Town Councilors Helen Brown, John W. Edington, Robert H. Mangus, Michael Mellon, and David B. Nellans were present. Mr. Edington presided. Also present were Clerk-Treasurer David F. Shafer, Town Manager Thomas F. DeGiulio, Assistant Town Manager Matthew T. Fritz, and Town Attorney Eugene M. Feingold. The news media were represented by Susan Brown of *The Times* and Ron Johnson of *Calumet Press*.

President Edington opened the meeting with a moment of silence followed by the Pledge of Allegiance and introduction of town officials present.

PUBLIC HEARING – 2005 G.O. BOND ISSUE

On August 22, 2005, the Town Council conducted a public hearing on the proposed 2005 General Obligation (G.O.) Bond Issue. No one spoke in opposition to the bond issue. However, due to an internal staff miscommunication, a notice of the public hearing was not published. The public hearing has been properly advertised for this evening.

Mr. DeGiulio explained that the Town proposes to issue general obligation bonds in the amount of \$1,970,000, with an anticipated sale date of December 1, 2005. The bonds will mature semi-annually from June 2006 through December 2009. The funds generated through the sale of bonds would be used as follows.

Calumet Avenue improvements, Fisher to 45 th Street.....	\$ 325,000
Preliminary design engineering, Calumet Avenue underpass	\$ 100,000
General street resurfacing	\$ 350,000
Upgrade various traffic signals	\$ 100,000
Purchase of property	\$ 170,000
Municipal facility and technology system improvements.....	\$ 170,000
Public Works equipment and vehicles	\$ 315,000
Fire equipment, new and replacement.....	\$ 50,000
Replace fire apparatus	\$ 250,000
Police equipment, new and replacement	\$ 80,000
Replace 2 vehicles, Building & Administration.....	\$ 40,000
Costs of issuance of bonds	\$ 20,000
Total.....	\$1,970,000

President Edington convened a public hearing to receive taxpayer comment on the proposed bond issue.

Mr. Mike Dujmovic, 1833 Tulip Lane, asked to know details of vehicle replacements, and of the Calumet Avenue project. Mr. DeGiulio responded. Mr. Dujmovic had no objection.

There being no one else desiring to speak, the public hearing was closed.

OPEN TO THE PUBLIC

The floor was opened to the public for comment on any topic.

Mr. Mike Dujmovic, 1833 Tulip Lane, asked why the Town furnished \$12,000 toward railroad crossing repairs at Calumet Avenue. Mr. DeGiulio explained that the Canadian National Railroad said only temporary repairs could be made before winter, but the Town insisted on undercutting the crossing to eliminate the ground water problem. The more extensive repairs would result in additional paving that the Town is paying for. Mr. Dujmovic asked what happens to ground water if an underpass is constructed. Mr. DeGiulio said a pump station would be included in the underpass project to remove the water.

Ms. Tina Candella, 940 Cornwallis Lane, asked the status of a project at the northeast corner of Calumet Avenue and Main Street. Mr. DeGiulio said Burns-Kish Funeral Home intended to relocate there, but they have not taken any building permits. There is also a plan for an office building at the site. When she asked about a curb cut, Mr. DeGiulio responded that there is a residential curb cut at Treadway Drive and there will be a new commercial curb cut in line with the BP Amoco gasoline station curb cut. Ms. Candella also asked about the adequacy of lighting in the Cobblestone Subdivision. Mr. DeGiulio said street lighting there meets code, and if the residents want more lights they will have to accomplish that on their own, such as through dusk-to-dawn garage lights.

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

CONSENT AGENDA

APPROVAL AND ACCEPTANCE OF MINUTES

Approval of the Minutes of the Regular Meeting held on October 10, 2005

ACCOUNTS PAYABLE VOUCHER REGISTERS

Confirmation of Voucher Register #05-9N dated 9/30/05 totaling \$211,715.48
Confirmation of Voucher Register #05-9O dated 9/9/05 totaling \$3,406.38
Confirmation of Voucher Register #05-10C dated 10/10/05 totaling \$578,471.74
Confirmation of Voucher Register #05-10D dated 10/14/05 totaling \$263,224.76
Confirmation of Voucher Register #05-10E dated 10/10/05 totaling \$220,361.13
Confirmation of Voucher Register #05-10F dated 10/19/05 totaling \$17,615.93
Confirmation of Voucher Register #05-10G dated 10/20/05 totaling \$10,139.54
Approval of Voucher Register #05-10H dated 10/24/05 totaling \$140,075.56

PURCHASE AWARD: FIRE DEPARTMENT EQUIPMENT

The fire department received quotes for twenty-five sets of turn-out gear (bunker pants and coats), summarized as follows.

Dolton Fire Equipment.....	\$31,087.20
Fire Service, Inc.	\$33,784.00
5 Alarm Fire Safety Equipment.....	\$40,197.50

It was recommended to accept the quote from Dolton Fire Equipment for \$31,087.20, with funds for this purchase being sourced through the 2005 G.O. Bond Issue.

RESOLUTION 1760: MAINTENANCE BOND – MAIN CROSSING

Proposed RESOLUTION 1760 is A RESOLUTION ACCEPTING IMPROVEMENTS FOR MAIN CROSSING, RELEASING DEVELOPER'S LETTER OF CREDIT, AND ACCEPTING THE DEVELOPER'S MAINTENANCE BOND. The Main Crossing development is located at the northeast corner of the intersection of Calumet Avenue and Main Street. The initial phase of construction has been completed, and the developer is now required to provide a maintenance letter of credit guaranteeing the condition of the infrastructure improvements for the next two years before maintenance becomes the responsibility of the Town.

RESOLUTION 1761: MAINTENANCE BOND – COMMUNITY FOUNDATION

Proposed RESOLUTION 1761 is A RESOLUTION ACCEPTING IMPROVEMENTS FOR BLOCKS 1, 2, AND 3 OF COMMUNITY FOUNDATION OF NORTHWEST INDIANA, INC., RELEASING THE DEVELOPER'S MAINTENANCE BOND. The Community Foundation development is located in the area south of Singleton Drive between Calumet Avenue and Columbia Avenue. The Town Council previously released its first security and a maintenance bond was accepted. During the two ensuing years, the condition of the infrastructure

improvements has been found to be satisfactory, and it is now appropriate to release the maintenance bond. Of note, Community Foundation requested and received permission to install upgraded street lighting, conditioned upon (1) making a lump-sum payment of \$13,460.00 for energy and maintenance of the upgraded lighting system, and (2) providing additional poles and lights as future replacements. These conditions have been met.

INSURANCE SETTLEMENT – WATER DEPARTMENT VAN

On July 28, 2005, a Water Department van, Unit #416, a 2000 Chevrolet Express G3 van bearing serial number 1GCHG35R4Y1106318, was involved in a traffic accident. The van was declared a total loss by the Town's liability claims office of Gallagher Bassett. State Farm, the other party's insurance carrier, accepted full liability on this claim. The van was released to State Farm for salvage on October 20, 2005, and the title will be forwarded to State Farm following receipt of a settlement check in the amount of \$10,023.75. It was recommended that the Town Council accept this report in order to summarize the audit trail for this transaction.

Mr. Nellans moved, with a second by Mr. Mellon, to suspend the rules, waive the readings, and adopt the items on the Consent Agenda as presented. Councilors Brown, Mangus, Mellon, Nellans, and Edington voted in favor of the motion; none voted against. The motion carried and the Consent Agenda was adopted as presented, including adoption of Resolutions 1760 and 1761.

GENERAL ORDERS

ORDINANCE 1300: SURPLUS BOND PROCEEDS, 2004 G.O. BOND ISSUE

Introduced ORDINANCE 1300 is AN ORDINANCE TO AUTHORIZE EXPENDITURE OF SURPLUS BOND PROCEEDS (Traffic Signals). The Council considered this matter on first reading on October 10, 2005. The Towns of Dyer and Munster recently upgraded the traffic signals at Main Street and Calumet Avenue. The Town of Munster recently received \$2,725.00 from the Town of Dyer as its share of the cost of the upgrade. The funds were deposited into the Municipal Bond Proceeds Fund as "surplus bond proceeds," but cannot be expended without an ordinance authorizing the appropriations (IC 5-1-13-2). The introduced ordinance, upon passage, would appropriate an additional \$2,725.00 from the Municipal Bond Proceeds Fund.

Mrs. Brown moved, with a second by Mr. Mangus, to adopt introduced Ordinance 1300 as presented. Councilors Brown, Mangus, Mellon, Nellans, and Edington voted in favor of the motion; none voted against. The motion carried and the ordinance was adopted as presented.

ORDINANCE 1301: AUTHORIZING TAX ANTICIPATION WARRANTS – DEBT SERVICE FUNDS

Introduced ORDINANCE 1301 is AN ORDINANCE AUTHORIZING THE TOWN OF MUNSTER TO BORROW MONEY AND TO ISSUE TAX ANTICIPATION WARRANTS FOR THE YEAR 2005 (Debt Service Funds). The Council considered this matter on first reading on October 10, 2005. Mr. Shafer explained that due to the delay in property tax distributions by the county, the Town has been put in the position of having to issue additional TAWs in order to meet the debt service payment which will mature December 31, 2005. Because it is likely that adequate property tax distributions will not be made during the remainder of 2005, the proposed debt service TAWs would be sold with a repayment date of June 30, 2006. It was recommended that TAWs totaling \$2,650,000 be issued for the Municipal Bond and Interest Fund in the amount of \$1,480,000; for the Park Bond and Interest Fund for \$470,000; and for the Municipal Corporate Lease Fund for \$700,000.

Mr. Mellon moved, with a second by Mr. Mangus, to adopt introduced Ordinance 1301 as presented. Councilors Brown, Mangus, Mellon, Nellans, and Edington voted in favor of the motion; none voted against. The motion carried and the ordinance was adopted as presented.

RESOLUTION 1757: ACCEPTING PETITIONS TO IMPROVE CENTENNIAL PARK

Proposed RESOLUTION 1757 is A RESOLUTION ACKNOWLEDGING RECEIPT OF A PETITION FOR AND DETERMINATION THAT THE PROJECTS AND IMPROVEMENTS AT CENTENNIAL PARK ARE NEEDED. In order to proceed with the project to construct improvements at Centennial Park through a lease-rental agreement between the Town and the Munster Municipal Center Corporation, it is necessary for fifty or more Munster property owners to request that the Town Council and Park Board take this action. Petitions were circulated resulting in sixty-five owners of taxable real estate in Munster being recognized as requesting this action, as certified by the Lake County Auditor on October 21, 2005. The purpose of the proposed resolution is to accept the petitions and certification.

Mr. Mangus moved, with a second by Mr. Nellans, to adopt Resolution 1757 as presented. Councilors Brown, Mangus, Mellon, Nellans, and Edington voted in favor of the motion; none voted against. The motion carried and the resolution was adopted as presented.

ORDINANCE 1303: RECONFIRMING PREVIOUS ACTION OF THE 2005 G.O. BOND ISSUE

Proposed ORDINANCE 1303 is AN ORDINANCE OF THE TOWN OF MUNSTER, INDIANA, RECONFIRMING ORDINANCES 1293, 1294, AND 1296, AUTHORIZING THE SALE OF G.O. BONDS AND APPROPRIATING THE SUM OF \$1,970,000 TO PROVIDE FUNDS TO BE APPLIED ON THE COSTS OF GENERAL STREET RESURFACING AND RECONSTRUCTION INCLUDING DESIGN ENGINEERING AND CONSTRUCTION SUPERVISION, ACQUISITION OF CAPITAL EQUIPMENT ITEMS, IMPROVEMENTS TO MUNICIPAL FACILITIES, ACQUISITION OF REAL PROPERTY, UPGRADING OF VARIOUS TRAFFIC SIGNALS, PURCHASE OF POLICE AND FIRE EQUIPMENT AND A FIRE APPARATUS, AND TO PAY MISCELLANEOUS COSTS IN CONNECTION WITH FOREGOING AND THE ISSUANCE OF BONDS AND SALE THEREOF. Earlier, a public hearing was conducted to receive taxpayer comment on the proposed bond issue, *supra*.

There being no further comment, Mrs. Brown moved, with a second by Mr. Mangus, to suspend the rules and adopt Ordinance 1303 on first reading as presented. Councilors Brown, Mangus, Mellon, Nellans, and Edington voted in favor of the motion; none voted against. The motion carried and the ordinance was adopted as presented.

APPOINTMENTS TO BOARDS AND COMMISSIONS FOR 2006

On September 12, 2005, the Town Council reappointed Suzanne Ferguson, Dianne Kowalski, and Don Williams to the MUNCAB Committee for four-year terms expiring December 31, 2009.

To fill the remaining appointments that expire on December 31, 2005, Mr. Mangus moved, with a second by Mr. Nellans, to appoint Richard Lasky to the Board of Zoning Appeals and Kenneth J. Schoon to the Park Board for four-year terms expiring December 31, 2009, and to appoint Michael Clark and James M. Lipton to the Board of Safety for three-year terms expiring December 31, 2008. Motion carried *viva voce*.

NEW BUSINESS

GOOD GOVERNMENT INITIATIVE PARTICIPATION

The Good Government Initiative is an effort to create efficient, high-quality governmental services in Northwest Indiana. By maximizing services, local and county government will be able to reduce unnecessary costs, continue to offer equal or expanded services, and create an atmosphere that attracts economic development. The Good Government Initiative will be financed privately, creating a cost-free opportunity to improve all local government taxing units throughout Lake County.

Mr. Nellans moved, with a second by Mr. Mellon, that the Town participate in the Good Government Initiative. Motion carried *viva voce*.

ENGAGEMENT LETTER – BARNES & THORNBURG

Mr. DeGiulio explained that the Town Council had previously discussed the importance of proceeding with the Calumet Avenue Underpass project, and the possibility of engaging a specialty law firm to expedite the process. Mr. Robert T. Grand, a Munster native and managing partner of the Indianapolis office of Barnes & Thornburg LLP, furnished an engagement letter for the performance of outside legal services including, but not limited to, assisting in the development of strategies for securing federal funding for the underpass project, drafting legislation or other documents to further the Town's interests, meeting with government officials, and identifying federal programs of interest to the Town. Barnes & Thornburg would be paid a fixed fee of \$6,000.00/month, plus other charges for our benefit.

Mr. Nellans moved, with a second by Mrs. Brown, to authorize the execution of the outside legal services agreement with Barnes & Thornburg. Motion carried *viva voce*. Mr. Mangus noted for the record that had there been a roll-call vote, he would have abstained due to a business relationship he maintains with Munster Steel.

SETTLEMENT OF CIVIL ACTION DIANE MORROW VS. TOWN OF MUNSTER, ET. AL

Mr. Feingold asked the Council to consider settlement of a law suit initiated by Ms. Diane Morrow who was struck in the head by a projectile from a lawn mower as she drove on Calumet Avenue in the vicinity of the Harley-Davidson retail outlet. The Town's portion of the settlement would be \$50,000 and would be paid out of the Town's reserve for self-insured claims. There are likely to be additional costs of legal defense that would be paid by the Town's excess liability insurance carrier.

Mr. Mellon moved, with a second by Mrs. Brown, to accept the recommendation to move forward with the settlement of the case of Diane Morrow. Motion carried *viva voce*.

REPORTS

JOINT ETHICS PROGRAM WITH CROWN POINT AND HIGHLAND

Mr. Mangus reported that he became aware that the City of Crown Point and the Town of Highland have been working on a positive approach to an ethics statement. As a result, the Town of Munster has been participating in the discussions with Crown Point and Highland for the past three months. The efforts are expected to culminate with the enactment of a joint program to be acted upon at a meeting of the three bodies at Teibel's Restaurant on November 21, 2005. Mr. DeGiulio added that it is hoped that additional communities will become partners in the future.

STRATEGIC PLAN UPDATE

Mr. DeGiulio presented a report to update the Council on several items previously discussed as strategic plan initiatives, namely, redevelopment, the landfill and Centennial Park, changes in businesses along Calumet Avenue, Calumet Avenue and 45th Street grade separation, traffic movement south of 45th Street, Main Street improvements, revenue sources, efficient delivery of town services, training and certification, sewer separation north of Ridge Road, commuter rail line, aesthetic elements in our community, and buy-in by boards and commissions.

UPDATE ON NICTD NEW STARTS PROGRAM

The West Lake Corridor New Start Studies is a two-stage planning, engineering and environmental project sponsored by the Northern Indiana Commuter Transportation District (NICTD) and designed to identify public transportation needs and transit solutions for Northwest Indiana. The plans call for the studies to be completed in 2007. It has been estimated that commuter trains would run through Munster in the 2010 to 2012 time frame.

SERVICE CLUB SIGNS

Mr. DeGiulio reported that four locations are under consideration as potential sites for service club signs to be displayed: at the southwest corner of Ridge Road and Columbia Avenue, in an open area along the south side of 45th Street west of White Oak Avenue, in an open area along the east side of Calumet Avenue at 45th Street, and on 45th Street at the state line. It was recommended that the service clubs pay for their own signs and maintenance. It was also suggested that the open area on 45th Street may not be suitable for service club signs, but may be useful as the site of another sculpture.

REPORT ON MEETING WITH HAMMOND RE: CABELA'S

Mr. Mangus reported that he and Mr. DeGiulio met last week with officials of the City of Hammond to discuss vehicular traffic patterns if and when Cabela's sporting goods store opens at the former Woodmar Country Club site in Hammond. There is absolutely no interest in allowing traffic to use Northcote Avenue to access the site; traffic would use Indianapolis Boulevard. There may be an emergency access on Northcote Avenue as a safety matter, but the gate would be locked. It is still not a certainty that Cabela's will purchase the country club and locate there; an announcement is expected next week. Mr. DeGiulio noted that the clearance of the I-80/94 bridge over Northcote Avenue is not suitable for delivery trucks, thereby reinforcing the notion that Northcote Avenue will not be a travel route for Cabela's.

CAPITAL PROJECTS

Mr. Knesek, as Director of Operations, submitted a report on a variety of capital projects that are either underway or recently completed.

RECOGNITION FROM NLC FOR THE TOWN'S PUBLIC ARTS PROGRAM

Mr. Donald J. Borut, Executive Director of the National League of Cities (NLC), recently congratulated the Town of Munster for receiving a Community Achievement Award by the Indiana Association of Cities and Towns for our program involving the display of public art as a condition of receiving property tax abatement on certain new buildings and equipment. The NLC will include a description of our program in its Examples of Programs for Cities database, NLC's central repository for effective and innovative programs used by researchers across the country, and invited the Town to display the program in the NLC City Showcase at the Congress of Cities conference to be held in Reno, Nevada, from December 5 through 9, 2006.

COUNCIL FORUM

(Clerk-Treasurer's Note: Through the council forum, and without taking formal action, the councilors are afforded the opportunity to express themselves on a variety of issues. An abstract follows.)

Mr. Mellon announced that the public could access details of the strategic plan that was formulated in 2004.

There was general discussion about the ten holidays observed by the Town of Munster and the thirteen holidays observed at the state and federal level. Mrs. Brown suggested asking employees if there is a preference among the existing holidays.

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 conduct a work-study session on November 7, 2005, to discuss the Town's ethics program. At 7:30 p.m., the Town Council, in conjunction with the Park Board, will conduct a work-study session regarding Centennial Park.

The next regular meeting of the Town Council is scheduled for November 14, 2005.

On November 21, 2005, at 7:00 p.m. at Teibel's Restaurant, the Town Council is tentatively scheduled to meet with representatives of the City of Crown Point and the Town of Highland to enact a joint ethics program.

ADJOURNMENT

There being no further business to come before the Council, and upon a motion by Mr. Mangus, seconded by Mr. Nellans, the meeting was adjourned at 8:53 p.m.

John W. Edington, President

ATTEST:

David F. Shafer, IAMC, CMC
Clerk-Treasurer