

**TOWN OF MUNSTER
MINUTES OF REGULAR TOWN COUNCIL MEETING
FEBRUARY 9, 2009**

The regular meeting of the Munster Town Council convened at 7:00 p.m. on Monday, February 9, 2009, at the Munster Town Hall. Town Councilors Helen Brown, John W. Edington, Robert H. Mangus, Michael Mellon, and David B. Nellans were present. Mr. Mellon presided. Also present were Clerk-Treasurer David F. Shafer, Town Manager Thomas F. DeGiulio, Assistant to the Town Manager Ashley Porta, Assistant Town Attorney Steven P. Kennedy, Police Chief Stephen F. Scheckel, Administrative Aide Steve Kovacik, Director of Operations/Fire Chief James J. Knesek, and Town Engineer James Mandon. The news media were represented by Lu Ann Franklin of *The Times*.

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

CITIZEN COMMENDATION FROM POLICE DEPARTMENT

The Munster Police Department is commending Mr. Ryan Vanderwoude for his assistance in the arrest of a violent criminal. On Saturday, January 24, 2009, a Munster resident exited her vehicle and began walking toward the entrance of Target. As she approached, a subject, while still in his vehicle, grabbed the victim's purse and began to drive away while the victim was still holding onto the straps.

Mr. Ryan Vanderwoude, a Hammond resident, witnessed the robbery and followed the subject as he drove away. The suspect vehicle entered the expressway and proceeded into Illinois where it stopped at an oasis in South Holland. The driver fled the scene as Mr. Vanderwoude detained the passenger until South Holland police arrived. The passenger implicated the driver who was later arrested and charged.

President Mellon read the commendation and presented it to Mr. Vanderwoude, who received a standing ovation from all present.

REPORT FROM SOUTH SHORE CONVENTION AND VISITORS AUTHORITY

Mr. Vic DeMeyer, a Munster resident and chairman of the board of directors of the South Shore Convention and Visitors Authority (formerly the Lake County Convention and Visitors Bureau), was present to offer a brief report on behalf of the Authority. He thanked the Town Council for appointing him to the Authority, noting that he has served as a board member for thirteen years as an appointee of the City of Hobart. He thanked Mr. Matt Reardon, Munster's previous appointee, for his years of service.

Mr. DeMeyer reported that because the South Shore CVA building in Hammond sustained extensive flood damage last September, grants are being cut back and employees are being laid off. Looking to the future, he reported that Lake County is gearing up for the 2016 Olympics to be held in Chicago. Mr. DeMeyer also noted that the Authority is the first step in the economic development process. A positive image of Lake County was presented when about 600,000 people attended the Gary Airshow last year.

President Mellon thanked Mr. DeMeyer for his report, and requested that he return quarterly with updates.

OPEN TO THE PUBLIC

President Mellon called the public's attention to the packet of resolutions proposed for consideration under General Orders. Sufficient copies of the packet were available for the audience. He announced that the Open to the Public portion of the meeting would be divided into, first, comments pertaining to any topic except those covered by the resolutions, and, at the start of General Orders, comments pertaining to topics that are subjects of the resolutions. He then opened the floor for comments on non-resolution topics. No one rose to claim the floor, and the floor was closed.

CONSENT AGENDA

APPROVAL AND ACCEPTANCE OF MINUTES

Approval of the minutes of the regular meeting held on January 12, 2009

ACCOUNTS PAYABLE VOUCHER REGISTERS

Confirmation of Voucher Register #09-1G dated 01/13/09 totaling \$4,873.99
Confirmation of Voucher Register #09-1H dated 01/15/09 totaling \$250,336.44
Confirmation of Voucher Register #09-1I dated 01/16/09 totaling \$326,269.70
Confirmation of Voucher Register #09-1J dated 01/16/09 totaling \$150,077.69
Confirmation of Voucher Register #09-1K dated 01/16/09 totaling \$1,568.01
Confirmation of Voucher Register #09-1L dated 01/15/09 totaling \$230,134.37
Confirmation of Voucher Register #09-1M dated 01/21/09 totaling \$15,689.11
Confirmation of Voucher Register #09-1N dated 01/22/09 totaling \$390,907.45
Approval of Voucher Register #09-1O dated 01/26/09 totaling \$134,049.46
Confirmation of Voucher Register #09-1P dated 01/29/09 totaling \$661,299.00
Confirmation of Voucher Register #09-1Q dated 01/30/09 totaling \$289,318.49
Confirmation of Voucher Register #09-1R dated 01/31/09 totaling \$213,801.70
Confirmation of Voucher Register #09-2A dated 02/05/09 totaling \$238,564.01
Approval of Voucher Register #09-2B dated 02/09/09 totaling \$188,392.84

PURCHASE AWARD - BRUSH CHIPPER

The Public Works Department received quotes for one Vermeer Brush Chipper. The new unit would replace Unit #371, a 2003 Vermeer Brush Chipper. Proceeds of the General Obligation Bond Issue would be used for this purchase. In the past, the Town received a grant from the Indiana Department of Environmental Management which covered half the cost of the chipper. The request was denied for this purchase. The quotes are summarized as follows.

	<u>Vermeer Midwest, Inc.</u> <u>Aurora, Illinois</u>	<u>Vermeer Wisconsin, Inc.</u> <u>Butler, Wisconsin</u>	<u>Vermeer Sales & Service</u> <u>Pella, Iowa</u>
Unit price	\$ 41,355.00	\$ 43,566.00	\$ 43,352.00
Delivery	\$ -	\$ 500.00	\$ -
Less: Trade-in Allowance	\$ (8,500.00)	\$ (7,500.00)	\$ (6,900.00)
Net price	\$ 32,855.00	\$ 36,566.00	\$ 36,452.00

Staff recommends accepting the quote from Vermeer Midwest, Inc. for a new Vermeer Brush Chipper for a total cost of \$32,855.00.

CONFIRMATION OF TAX ABATEMENT: RIDGEWOOD PLAZA (APPLEBEE'S)

As part of the Town's tax abatement policy, recipients must submit compliance documents. Ridgewood Plaza submitted the necessary documentation. Staff reviewed the submissions and found substantial compliance. This will be the last year for the abatement, which began in 1999.

VEHICLE PURCHASE – COMMUNITY SERVICE OFFICER

In January 2009, the vehicle used by the Community Service Officer suffered engine damage. Town mechanics determined that the vehicle was beyond the point of economical repair. Requests for quotes were sent to area dealers for used vehicles with limited mileage, with results summarized as follows.

	Christenson Chevrolet 2007 Trailblazer 24,335 miles	Ridgeway Chevrolet 2009 Trailblazer New	Smith Chevrolet 2007 Trailblazer 29,194 miles
Vehicle Cost	\$ 15,695.00	\$ 21,351.00	\$ 13,800.00
Floor Mats	\$ -	\$ -	\$ 500.00
Trade-in	\$ (2,195.00)	\$ (690.00)	\$ (500.00)
Net price	\$ 13,500.00	\$ 20,661.00	\$ 13,800.00

When the optional floor mats are taken into account, Christenson Chevrolet has the lowest quote. Staff recommended confirmation of the purchase of a 2007 Chevrolet Trailblazer from Christenson Chevrolet for a final cost of \$13,500.00. The purchase will come from the 2007 Municipal Bond Issue.

OUTSTANDING CHECKS

Pursuant to IC 5-11-10.5, "Disposition of Warrants and Checks," the Clerk-Treasurer is required annually to furnish the Town's fiscal body a list of all checks that have been outstanding for a period of two or more years as of December 31 of the preceding year. Accordingly, the checks listed below 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, 2008

Fund	Check Number	Check Date	Paid to the Order of	Check Amount	For
204	807589	4/13/06	Lynette Newell	\$3.00	Refund for Parks Program
204	808603	6/29/06	Michael Sobieski	\$22.00	Refund for Parks Program
204	808353	6/15/06	Deborah Harris	\$21.00	Refund for Parks Program
204	4894139	8/18/06	Amy Sloan	<u>\$6.23</u>	Payroll Check - Pool
			Sub-Total	\$52.23	
504	103404	9/8/06	Cardiovascular Consultants	<u>\$26.72</u>	Health Claims
			Sub-Total	\$26.72	
780	809473	9/7/06	Paul Levin	\$5.51	Refund Water Final Overpayment
780	809477	9/7/06	Steven M. Oberc	<u>\$28.26</u>	Refund Water Final Overpayment
			Sub-Total	\$33.77	
			Total	<u>\$112.72</u>	

PURCHASE AWARD – PUBLIC WORKS VEHICLES

The Public Works Department opened quotes for seven different vehicles on February 6, 2009. The quotes and staff recommendations are summarized as follows.

Vehicle: 2WD Extended Cab Pickup Truck
Department: Street

	Trade-in: Unit		
	Cost	# 313	Net Cost
Ottawa Mercury Lincoln, Ottawa, Illinois	\$ 14,188.00	\$ (2,000.00)	\$ 12,188.00
Harbor Superstores, Michigan City, Indiana	\$ 17,796.25	\$ (2,600.00)	\$ 15,196.25
Sutton Ford, Matteson, Illinois	\$ 15,938.00	\$ (1,500.00)	\$ 14,438.00
Christenson Chevrolet, Highland, Indiana	\$ 17,641.00	\$ (2,800.00)	\$ 14,841.00
Carroll Chevrolet, Crown Point, Indiana	\$ 18,255.00	\$ (2,700.00)	\$ 15,555.00
Paul Huring Ford, Hobart, Indiana	\$ 16,892.30	\$ (2,000.00)	\$ 14,892.30
Terry's Ford Lincoln, Peotone, Illinois	\$ 16,050.00	\$ (2,000.00)	\$ 14,050.00
Mike Anderson Chevrolet, Merrillville, Indiana	\$ 18,180.25	\$ (2,000.00)	\$ 16,180.25
Schepel GMC, Merrillville, Indiana	\$ 18,113.00	\$ (3,000.00)	\$ 15,113.00

Staff recommended accepting the quote from Ottawa Mercury Lincoln for a two-wheel drive, extended-cab pickup truck at a cost of \$14,188.00, less trade-in allowance of \$2,000.00, for a net cost of \$12,188.00. The vehicle will be purchased from the 2008 Municipal Bond Issue.

Vehicle: 3/4-ton Crew Cab Pickup Truck
Department: Street

	Trade-in: Unit		
	Cost	# 327	Net Cost
Ottawa Mercury Lincoln, Ottawa, Illinois	\$ 29,506.00	\$ (8,000.00)	\$ 21,506.00
Harbor Superstores, Michigan City, Indiana	\$ 33,704.13	\$ (5,600.00)	\$ 28,104.13
Sutton Ford, Matteson, Illinois	\$ 31,315.00	\$ (3,000.00)	\$ 28,315.00
Christenson Chevrolet, Highland, Indiana	\$ 33,594.00	\$ (2,700.00)	\$ 30,894.00
Carroll Chevrolet, Crown Point, Indiana	\$ 34,195.00	\$ (5,200.00)	\$ 28,995.00
Paul Huring Ford, Hobart, Indiana	\$ 33,411.11	\$ (3,500.00)	\$ 29,911.11
Terry's Ford Lincoln, Peotone, Illinois	\$ 32,840.00	\$ (4,500.00)	\$ 28,340.00
Mike Anderson Chevrolet, Merrillville, Indiana	\$ 34,122.68	\$ (3,000.00)	\$ 31,122.68
Schepel GMC, Merrillville, Indiana	\$ 34,251.00	\$ (4,000.00)	\$ 30,251.00

Staff recommended accepting the quote from Ottawa Mercury Lincoln for a three-quarter-ton, crew-cab pickup truck at a cost of \$29,506.00, less trade-in allowance of \$8,000.00, for a net cost of \$21,506.00. The vehicle will be purchased from the 2007 Municipal Bond Issue.

Vehicle: 1/2-ton Van
Department: Sewer and Water

	Trade-in: Unit		
	Cost	# 417	Net Cost
Ottawa Mercury Lincoln, Ottawa, Illinois	\$ 22,682.00	\$ (4,900.00)	\$ 17,782.00
Harbor Superstores, Michigan City, Indiana	\$ 21,294.03	\$ (3,600.00)	\$ 17,694.03
Sutton Ford, Matteson, Illinois	\$ 20,700.00	\$ (800.00)	\$ 19,900.00
Christenson Chevrolet, Highland, Indiana	\$ 21,161.00	\$ (2,800.00)	\$ 18,361.00
Carroll Chevrolet, Crown Point, Indiana	\$ 21,946.00	\$ (2,900.00)	\$ 19,046.00
Paul Huring Ford, Hobart, Indiana	\$ 22,709.96	\$ (2,500.00)	\$ 20,209.96
Terry's Ford Lincoln, Peotone, Illinois	\$ 22,925.00	\$ (2,000.00)	\$ 20,925.00
Mike Anderson Chevrolet, Merrillville, Indiana	\$ 21,913.03	\$ (2,500.00)	\$ 19,413.03
Schepel GMC, Merrillville, Indiana	\$ 22,151.00	\$ (2,000.00)	\$ 20,151.00

Staff recommended accepting the quote from Harbor Superstores for a half-ton crew van at a cost of \$21,194.03, less trade-in allowance of \$3,600.00, for a net cost of \$17,694.03. The vehicle will be purchased from the Sewer Maintenance Fund and Water Depreciation Fund in equal portions.

Vehicle: 1/2-ton Regular Cab Pickup Truck
Department: Sewer and Water

	Trade-in: Unit		
	Cost	# 412	Net Cost
Ottawa Mercury Lincoln, Ottawa, Illinois	\$ 26,903.00	\$ (1,000.00)	\$ 25,903.00
Harbor Superstores, Michigan City, Indiana	\$ 27,498.63	\$ (2,600.00)	\$ 24,898.63
Sutton Ford, Matteson, Illinois	\$ 27,100.00	\$ (1,200.00)	\$ 25,900.00
Christenson Chevrolet, Highland, Indiana	\$ 27,469.00	\$ (1,700.00)	\$ 25,769.00
Carroll Chevrolet, Crown Point, Indiana	\$ 28,070.00	\$ (2,400.00)	\$ 25,670.00
Paul Huring Ford, Hobart, Indiana	\$ 28,955.54	\$ (2,000.00)	\$ 26,955.54
Terry's Ford Lincoln, Peotone, Illinois	\$ 28,175.00	\$ (2,500.00)	\$ 25,675.00
Mike Anderson Chevrolet, Merrillville, Indiana	\$ 28,844.00	\$ (1,500.00)	\$ 27,344.00
Schepel GMC, Merrillville, Indiana	\$ 28,132.00	\$ (2,000.00)	\$ 26,132.00

Staff recommended accepting the quote from Harbor Superstores for a half-ton, regular cab pickup truck at a cost of \$27,498.63, less trade-in allowance of \$2,600.00, for a net cost of \$24,898.63. The vehicle will be purchased from the Sewer Maintenance Fund and Water Depreciation Fund in equal portions.

Vehicle: 1/2-ton 4WD Regular Cab Pickup Truck
Department: Street

	Trade-in: Unit		
	Cost	# 317	Net Cost
Ottawa Mercury Lincoln, Ottawa, Illinois	\$ 26,903.00	\$ (4,500.00)	\$ 22,403.00
Harbor Superstores, Michigan City, Indiana	\$ 27,498.63	\$ (6,600.00)	\$ 20,898.63
Sutton Ford, Matteson, Illinois	\$ 27,100.00	\$ (2,500.00)	\$ 24,600.00
Christenson Chevrolet, Highland, Indiana	\$ 27,469.00	\$ (7,000.00)	\$ 20,469.00
Carroll Chevrolet, Crown Point, Indiana	\$ 28,070.00	\$ (5,900.00)	\$ 22,170.00
Paul Huring Ford, Hobart, Indiana	\$ 28,139.30	\$ (5,000.00)	\$ 23,139.30
Terry's Ford Lincoln, Peotone, Illinois	\$ 27,985.00	\$ (5,000.00)	\$ 22,985.00
Mike Anderson Chevrolet, Merrillville, Indiana	\$ 24,072.63	\$ (4,500.00)	\$ 19,572.63
Schepel GMC, Merrillville, Indiana	\$ 28,132.00	\$ (6,000.00)	\$ 22,132.00

Staff recommended accepting the quote from Mike Anderson Chevrolet for a half-ton, four wheel drive, regular cab pick-up truck at a cost of \$24,072.63 less trade-in of \$4,500.00 for a net cost of \$19,572.63. The vehicle will be purchased from the 2008 Municipal Bond Issue.

Vehicle: 1/2-ton 4WD Regular Cab Pickup Truck
Department: Street

	Trade-in: Unit		
	Cost	# 320	Net Cost
Ottawa Mercury Lincoln, Ottawa, Illinois	\$ 26,903.00	\$ (8,500.00)	\$ 18,403.00
Harbor Superstores, Michigan City, Indiana	\$ 27,498.63	\$ (7,100.00)	\$ 20,398.63
Sutton Ford, Matteson, Illinois	\$ 27,100.00	\$ (3,200.00)	\$ 23,900.00
Christenson Chevrolet, Highland, Indiana	\$ 27,469.00	\$ (8,800.00)	\$ 18,669.00
Carroll Chevrolet, Crown Point, Indiana	\$ 28,070.00	\$ (6,600.00)	\$ 21,470.00
Paul Huring Ford, Hobart, Indiana	\$ 28,139.30	\$ (6,000.00)	\$ 22,139.30
Terry's Ford Lincoln, Peotone, Illinois	\$ 27,985.00	\$ (6,000.00)	\$ 21,985.00
Mike Anderson Chevrolet, Merrillville, Indiana	\$ 28,843.63	\$ (4,800.00)	\$ 24,043.63
Schepel GMC, Merrillville, Indiana	\$ 28,132.00	\$ (7,000.00)	\$ 21,132.00

Staff recommended accepting the quote from Ottawa Mercury Lincoln for a half-ton, four-wheel drive, regular cab pickup truck at a cost of \$26,903.00, less trade-in allowance of \$8,500.00, for a net cost of \$18,403.00. The vehicle will be purchased from the 2008 Municipal Bond Issue.

Vehicle: 3/4-ton 4WD Extended Cab Pickup Truck
 Department: Sewer & Water

	Trade-in: Unit		
	Cost	# 410	Net Cost
Ottawa Mercury Lincoln, Ottawa, Illinois	\$ 29,548.00	\$ (6,000.00)	\$ 23,548.00
Harbor Superstores, Michigan City, Indiana	\$ 33,145.68	\$ (3,100.00)	\$ 30,045.68
Sutton Ford, Matteson, Illinois	\$ 30,985.00	\$ (1,600.00)	\$ 29,385.00
Christenson Chevrolet, Highland, Indiana	\$ 33,035.00	\$ (4,000.00)	\$ 29,035.00
Carroll Chevrolet, Crown Point, Indiana	\$ 33,536.00	\$ (3,600.00)	\$ 29,936.00
Paul Heuring Ford, Hobart, Indiana	\$ 41,131.11	\$ (2,500.00)	\$ 38,631.11
Terry's Ford Lincoln, Peotone, Illinois	\$ 32,285.00	\$ (3,000.00)	\$ 29,285.00
Mike Anderson Chevrolet, Merrillville, Indiana	\$ 34,507.68	\$ (3,000.00)	\$ 31,507.68
Schepel GMC, Merrillville, Indiana	\$ 33,751.00	\$ (6,000.00)	\$ 27,751.00

Staff recommends accepting the quote from Ottawa Mercury Lincoln for a three-quarter ton, four-wheel drive, extended-cab pickup truck at a cost of \$29,548, less trade-in allowance of \$6,000.00, for a net cost of \$23,548.00. The vehicle will be purchased from the Sewer Maintenance Fund and Water Depreciation Fund in equal portions.

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

NEW BUSINESS

FINANCIAL REPORTS

Clerk-Treasurer Shafer presented several financial reports including the December 2008 Treasurer's Report, the 2008 Annual Treasurer's Report, and the January 2009 Treasurer's Report. Other reports included budget versus actual for both revenues and expenditures for December 2008 and January 2009, an eight-year summary of the Cities and Towns Annual Report (CTAR), and the current year budget status.

Councilor Mangus moved, with a second by Councilor Nellans, to accept the financial reports. Motion carried *viva voce*.

HEALTH INSURANCE RENEWAL

Claims experience over the past twelve months indicates the need to increase medical premiums by 23.9% and decrease dental premiums by 9.0%. This assumes no change in benefit levels. The Town's benefit consultant recommends reviewing several benefit areas and increasing the employee contributions to the premium costs. Staff is considering the following changes.

1. Increase employee medical premium contribution levels from 4.50% to 10.00%. Dental premium contributions will remain unchanged.
2. Increase deductibles as follows.

	<u>Current</u>	<u>Proposed</u>	<u>Family</u>
Community Hospital	\$ 200.00	\$ 400.00	2x
Network	\$ 200.00	\$ 400.00	2x
Out of Network	\$ 500.00	\$1,000.00	

3. Modify co-pays as follows.

	<u>Current</u>	<u>Proposed</u>
Community Hospital	90%	90%
Network	85%	80%
Out of Network	70%	60%

4. Modify prescription co-pays as follows for non-mail order thirty day maximum.

	<u>Current</u>	<u>Proposed</u>
Generic	10%	\$10.00
Multi-brand	30%	\$30.00
Single Brand	50%	\$50.00

5. Modify prescription co-pays as follows for mail order three month supply.

	<u>Current</u>	<u>Proposed</u>
Generic	\$ 3.00	\$ 20.00
Multi-brand	\$10.00	\$ 60.00
Single Brand	\$50.00	\$100.00

6. Implement a system of co-pays as follows.

	<u>Current</u>	<u>Proposed</u>
Office Visit	Deductible + %	No deductible \$25.00 primary care \$40.00 specialist
Emergency Room	Deductible + %	Deductible plus \$100.00 co-pay

Making these changes will reduce the overall rate increase from 21.6% to 9.68%. Staff will meet with employees in all departments to discuss the proposed changes. Benefit changes can be made effective as of the first day of the month.

The fixed costs for the stop loss coverage and third party administrator services are increasing by 18.8% and 4.78% respectively.

Councilor Brown moved, with a second by Councilor Nellans, to approve the fixed and ancillary costs for the 2009-2010 health insurance plan year. Councilors Brown, Edington, Mangus, Nellans, and Mellon voted in favor of the motion; none voted against. The motion carried.

ORDINANCE 1423: WATER METER READING CHARGE

Proposed ORDINANCE 1423 is AN ORDINANCE AMENDING SCHEDULE A, A NON-CODIFIED PORTION OF THE MUNICIPAL CODE, AMENDING FEES, CHARGES, AND VIOLATIONS. The Town began a program to change all water meters to radio-remote read meters. With about 800 meters left to be replaced, the program is nearing completion. The goal is to be done by the end of the summer. The remaining customers have been notified several times with notices in the *News You Can Use* newsletter and door hangers placed on specific homes needing the change.

Substantial staff time is required to go door-to-door to read the relatively few remaining manual read meters. Staff believes a monetary penalty needs to be applied to the individuals who continue to avoid changing the meter. Staff is recommending setting a fee of \$60.84 per month to manually read these meters. This fee is based on the average employee cost with benefits (\$30.84) plus equipment costs including gas and mileage (\$30.00) to read these meters.

If approved, Staff will properly advertise the fee and inform affected residents through *News You Can Use*, the Town website, and certified mail. All accounts that do not have an appointment scheduled by June 15 will be assessed the fee with the water utility bill due August 20, 2009. The fee will continue monthly until an appointment has been scheduled and the meter changed. The fee will be waived for the month when compliance occurs.

Councilor Mangus moved, with a second by Councilor Edington, to hear Ordinance 1423 as presented on first reading and set second reading for the next regular meeting. Motion carried *viva voce*.

WEST LAKES SUBDIVISION BIKE PATH

The Town has received a proposed agreement from CSX Transportation (CSXT) to install a pedestrian crossing of the CSXT railroad tracks at 45th Street. A previous agreement called for the Town to remit \$20,000.00 for the review of preliminary and final engineering designs. The proposed agreement is for the force account work at the CSXT for work on the crossing. The estimate is \$57,160.00, less the \$20,000.00 previously paid.

The funds for this project are budgeted in the 2008 Municipal and Park Bonds with \$180,000.00 from the municipal and \$200,000.00 from the Park. In addition, there will be contributions from developers for other portions of the path. The project will be bid this spring with the railroad work done on their schedule. The Town is in the process of securing easements for the Franciscan Physicians Hospital and General Electric.

Councilor Nellans moved, with a second by Councilor Mangus, to authorize execution of the construction agreement and force account with CSXT in the amount of \$37,160.00 for the construction of the West Lakes bike path. Motion carried *viva voce*.

LETTER OF ENGAGEMENT – BARNES & THORNBURG

At the regular meeting on January 12, 2009, the Council discussed hiring the Indianapolis law firm of Barnes & Thornburg to conduct lobbying on behalf of the Town at the state level. No formal action was taken on this matter. Barnes & Thornburg subsequently presented a letter of engagement to provide these services at a cost of \$2,000.00 per month. The emphasis will be to secure the funding needed for the completion and future operation and maintenance of the Little Calumet River flood control project.

Mr. Bob Grand of Barnes & Thornburg was present to report on the progress his law firm has made at the federal level on the proposed overpass project and the proposed methane cogeneration project. He described efforts to be made at the state level for flood control and levee construction. He suggested it is best to furnish public input to legislators locally, because meeting time is at a premium in Indianapolis.

The three-month legislative session will result in a \$6,000.00 estimated expense that will be paid from the Sewer Maintenance Fund.

Councilor Nellans moved, with a second by Councilor Edington, to engage Barnes & Thornburg to lobby on behalf of the Town of Munster at the state level for completion and future operation and maintenance of the Little Calumet River flood project, for a monthly cost of \$2,000.00. Councilors Brown, Edington, Mangus, Nellans, and Mellon voted in favor of the motion; none voted against. The motion carried.

METHANE MONITORING PLAN

One of the Indiana Department of Environmental Management (IDEM) requirements for the closing of the landfill is to have a functioning methane monitoring system in place. Parts of the system were installed during the operation of the landfill; however, some of the monitoring locations need to be relocated and additional monitoring locations are needed in order to meet IDEM specifications.

Andrews Engineering has submitted a cost estimate to implement the methane monitoring plan in the amount of \$29,500.00. This cost does not include the drilling crew and rig; these costs will be secured separately.

Councilor Brown moved, with a second by Councilor Nellans, to authorize an amount not to exceed \$29,500.00 paid to Andrews Engineering to implement a methane monitoring plan as outlined in the cost estimate dated January 30, 2009. Motion carried *viva voce*.

ORDINANCE 1422: CREATION OF THE SOCCER CLUB FUND

Proposed ORDINANCE 1422 is an ORDINANCE ESTABLISHING A SOCCER CLUB FUND FOR THE TOWN OF MUNSTER, INDIANA. Following lengthy preliminary discussions, the Park and Recreation Department proposed accepting the assets of the Munster Soccer Club and operating a soccer club as a program of the Park and Recreation Department. To do so would require creation by ordinance of a special revenue fund. Ordinance 1422 has been drafted to create this fund.

Councilor Nellans moved, with a second by Councilor Brown, to hear Ordinance 1422 on first reading and set second reading when the Park & Recreation Department finalizes the plans. Motion carried *viva voce*.

(Clerk-Treasurer's Note: Subsequent to the Town Council meeting of February 9, 2009, members of the Munster Soccer Club informed the Park and Recreation Department that they wish to withdraw their request to operate the soccer club as a Park program. Therefore, proposed Ordinance 1422 was not presented for second reading, and is recorded in the ordinance book as "not adopted.")

GENERAL ORDERS

OPEN TO THE PUBLIC

President Mellon opened the floor for public comments pertaining to topics that are subjects of the resolutions as previously announced.

Mr. Mike Dujmovic, 1833 Tulip Lane, with reference to proposed Resolution 1865, asked to know the usage of the Northcote Bridge. President Mellon said the present vehicle usage is unknown, but the primary concern associated with the bridge is flood control.

Ms. Tula Kavadias, 8115 Oakwood Avenue, stated she is the President of the Wicker Park Neighborhood Association. She thanked the Town Council and Clerk-Treasurer for efforts to keep flood control efforts in the fore. She said she is concerned that raising the Northcote Bridge elevation would result in the taking of private property. She believes Lake County officials will take no action regarding this bridge. With reference to proposed Resolution 1867, she is extremely suspicious of Hammond Mayor McDermott's proposal for using sales tax, and she feels that the Cabela's property is likely to be developed for purposes not in harmony with the expectations of residents of the Town of Munster.

Mr. Steve Enger, 8248 Hawthorne Avenue, suggested not mentioning hazardous waste in the proposed Resolution 1868 unless it is known or there is good reason to believe there is hazardous waste in the river.

Mr. Bill Howard, 8101 Northcote Avenue, asked whether the Town knows that silt from the Little Calumet River is hazardous. Mr. DeGiulio said because the Town does not know whether the silt is hazardous, the phrase "or special waste" is used in the proposed Resolution 1868. Also, Mr. Howard said he does not want to see his property taken for the purpose of raising the Northcote Bridge.

Mr. Craig Anderson, 8123 Howard Avenue, asked whether a mitigation plan was submitted to the state. Mr. DeGiulio responded that the Town will submit its plan to Lake County and county officials will fill the plan on behalf of all the municipalities.

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

RESOLUTION 1863: MEETING WITH LOCAL LEGISLATORS

Proposed RESOLUTION 1863 is a RESOLUTION REQUESTING MUNSTER'S LEGISLATORS TO MEET WITH RESIDENTS. In September 2008, the Town of Munster suffered severe flooding along the Little Calumet River. Hundreds of homes were damaged or destroyed with thousands of residents displaced and millions of dollars in damage sustained. The residents are concerned that a similar event will occur and are looking to the Town Council to do what is necessary to complete the Little Calumet River levee project.

The Town Council invited State Representatives Mara Candelaria-Reardon, Linda Lawson, and Dan Stevenson to meet with interested residents on Thursday, February 12, 2009, at 7:00 p.m. at the Centennial Park Clubhouse to discuss the legislative strategy and progress on this matter. Resolution 1863 memorializes these actions.

Councilor Nellans moved, with a second by Councilor Mangus, to adopt Resolution 1863 as presented. Councilors Brown, Edington, Mangus, Nellans, and Mellon voted in favor of the motion; none voted against. The motion passed and Resolution 1863 was adopted as presented.

RESOLUTION 1864: LITTLE CALUMET RIVER FUNDING FROM HORSE RACING SUBSIDY PROCEEDS

Proposed RESOLUTION 1864 is a RESOLUTION REQUESTING THE USE OF HORSE RACING SUBSIDY GENERATED FROM LAKE COUNTY CASINO OPERATIONS TO FUND THE CAPITAL AND OPERATING COSTS OF THE LEVEE PROJECT. In September 2008, the Town of Munster suffered severe flooding along the Little Calumet River. There is a lack of funding for the ongoing operation and maintenance of the levee.

The Town of Munster has supported the efforts of the Mayor of the City of Hammond to use sales tax increment financing for this work, but the State of Indiana will not permit this. City of Hammond Councilman Dan Repay requested that a portion of the gaming admission tax be directed from the horse racing industry to the Lake County River Basin Commission to help meet the funding needs of the levee project. The Town of Munster joins Councilman Repay in these efforts. Resolution 1864 has been prepared to memorialize this.

Councilor Mangus moved, with a second by Councilor Brown, to adopt Resolution 1864 as presented. Councilors Brown, Edington, Mangus, Nellans, and Mellon voted in favor of the motion; none voted against. The motion passed and Resolution 1864 was adopted as presented.

RESOLUTION 1865: NORTHCOTE BRIDGE

Proposed RESOLUTION 1865 is a RESOLUTION EXPRESSING THE WILL OF THE COUNCIL REGARDING THE NORTHCOTE BRIDGE. The Northcote Bridge is currently designed at the 100-year flood elevation while the Columbia Avenue, Hohman Avenue, and the Little Calumet River flood control project are all at or being built to the 200-year flood elevation. The Town of Munster, City of Hammond, and Lake County are preparing to engage a consulting engineering firm to prepare a cost study for elevating a number of bridges, including the Northcote Bridge, as they relate to the Little Calumet River flood control project. If this study determines it is feasible to elevate the bridge to the 200-year elevation, the Council will request the Lake County Commissioners to authorize a design contract and have the Northcote Bridge constructed to this new level. If the study determines rebuilding is not feasible, then the Council will request the Lake County Commissioners to permanently close the Northcote Bridge. Resolution 1865 has been prepared to memorialize this.

Councilor Brown said she is not in favor of spending Town funds on raising the Northcote Bridge. Instead, she prefers to close the bridge. Discussion ensued.

By general consent, the second resolving clause was amended to read, "This new bridge should be constructed as soon as possible to facilitate the elevation, even if the current alignment must be altered from outside the Town of Munster."

By general consent, the third resolving clause was amended to read, "The Town Council will work with the County to secure additional funding possibilities outside of the Town resources for this construction as a pre-disaster mitigation project and will ask the City to join in that effort."

By general consent, a new fourth resolving clause was added, to wit, "The Council is opposed to the taking of residential property in order to elevate the bridge."

By general consent, the former fourth resolving clause was renumbered to be the fifth resolving clause.

Councilor Mangus moved, with a second by Councilor Nellans, to adopt Resolution 1865 as amended. Councilors Brown, Edington, Mangus, Nellans, and Mellon voted in favor of the motion; none voted against. The motion passed and Resolution 1865 was adopted as amended.

RESOLUTION 1866: DIRECTING STAFF TO PREPARE A MASTER PLAN FOR STORM AND SANITARY SEWER INFRASTRUCTURE

Proposed RESOLUTION 1866 is a RESOLUTION DIRECTING THE TOWN STAFF TO PREPARE AN UPDATE TO THE TOWN'S STORM WATER AND SANITARY MASTER PLANS AND TO ADVISE THE COUNCIL ON THE COST ESTIMATE FOR SAID IMPROVEMENTS. The Town Council is taking formal action to direct Staff to prepare a comprehensive study of projects to be included in a multi-series property-tax supported bond issue. The report is to be in preliminary form for a public discussion before the Town Council by July 2009. Resolution 1866 has been prepared to memorialize this and give more specific direction.

Councilor Nellans moved, with a second by Councilor Mangus, to adopt Resolution 1866 as presented. Councilors Brown, Edington, Mangus, Nellans, and Mellon voted in favor of the motion; none voted against. The motion passed and Resolution 1866 was adopted as presented.

RESOLUTION 1867: REQUESTING USE OF STIF FUNDS FOR THE LITTLE CALUMET RIVER FLOOD CONTROL PROJECT

Proposed RESOLUTION 1867 is a RESOLUTION REQUESTING THE USE OF STIF FUNDS TO FUND THE CAPITAL AND OPERATING COSTS OF THE LEVEE PROJECT. In September 2008, the Town of Munster suffered severe flooding along the Little Calumet River. There is a lack of funding for the ongoing operation and maintenance of the levee.

The City of Hammond is able to assess sales tax increment financing from the Cabela's store and future commercial development in that area. Hammond has requested the General Assembly to dedicate these funds to the improvement and maintenance of the levee project. The Town of Munster supports the request by the City of Hammond to the Indiana General Assembly to use the sales tax increment financing for this work. Resolution 1867 has been prepared to memorialize this.

Councilor Brown moved, with a second by Councilor Edington, to adopt Resolution 1867 as presented. Councilors Brown, Edington, Mangus, Nellans, and Mellon voted in favor of the motion; none voted against. The motion passed and Resolution 1867 was adopted as presented.

RESOLUTION 1868: DREDGING OF THE LITTLE CALUMET RIVER

Proposed RESOLUTION 1868 is a RESOLUTION REGARDING DREDGING OF THE LITTLE CALUMET RIVER. In September 2008, the Town of Munster suffered severe flooding along the Little Calumet River. It has been suggested that the river be dredged to remove silt. The removal of silt at isolated locations will help maximize flow but at a high cost. Local silt removal is ineffective unless it includes the downstream outlets. It is believed that the Town's limited resources are better used to further the completion of the permanent flood control project. The Council does not object to any agency dredging the river at their expense. Resolution 1868 has been prepared to memorialize this.

By general consent, the second resolving clause was amended by deleting the words, "The dredging will need to be treated as special or hazardous waste."

Councilor Brown moved, with a second by Councilor Mangus, to adopt Resolution 1868 as amended. Councilors Brown, Edington, Mangus, Nellans, and Mellon voted in favor of the motion; none voted against. The motion passed and Resolution 1868 was adopted as amended.

RESOLUTION 1869: ESTABLISHING A CONSERVANCY DISTRICT FOR FUTURE OPERATING AND MAINTENANCE COSTS OF THE LITTLE CALUMET RIVER IMPROVEMENTS

Proposed RESOLUTION 1869 is a RESOLUTION REQUESTING THE ESTABLISHMENT OF A CONSERVANCY DISTRICT. In September 2008, the Town of Munster suffered severe flooding along the Little Calumet River. Experts from the Army Corp of Engineers reported two significant blockages down stream of Munster caused a lack of flow contributing to the flooding. The blockages were caused by lack of maintenance and the removal of fallen trees and debris. The current system of maintaining the river requires individual municipality that borders the river to maintain that section of the river. The municipalities receive no direction or funding for this responsibility. In addition, there are no consequences for the inaction of a negligent community.

The Town Council believes this system of maintaining the Little Calumet River and its tributary water ways is inadequate to prevent future problems. Resolution 1869 requests the creation of the Lake County Little Calumet River Basin Conservancy District to succeed the Little Calumet River Basin Commission. The sole purpose of the District will be to clean and maintain the Little Calumet River throughout Lake County.

Councilor Nellans moved, with a second by Councilor Mangus, to adopt Resolution 1869 as presented. Councilors Brown, Edington, Mangus, Nellans, and Mellon voted in favor of the motion; none voted against. The motion passed and Resolution 1869 was adopted as presented.

RESOLUTION 1870: LOCAL OPTION INCOME TAXES IN LAKE COUNTY

Proposed RESOLUTION 1870 is a RESOLUTION OF THE MUNSTER TOWN COUNCIL REGARDING THE LOCAL OPTION INCOME TAXES IN LAKE COUNTY. Lake County is the only county in the State of Indiana that has not adopted the County Adjusted Gross Income Tax or the County Option Income Tax. The Indiana General Assembly has frozen the property tax levies of all non-adopting counties at the 2007 pay 2008 rate. The imposition of these taxes is at the discretion of Lake County. The Town Council believes that some type of local option income tax will be adopted. If and when a local option income tax is adopted by Lake County, the Town Council requests a portion of these proceeds be set aside for the completion of the Little Calumet River Flood Control Project and the long term operation and maintenance of the project.

Councilor Brown cautioned that Munster should not become a donor community.

Councilor Nellans moved, with a second by Councilor Edington, to adopt Resolution 1870 as presented. Councilors Brown, Edington, Mangus, Nellans, and Mellon voted in favor of the motion; none voted against. The motion passed and Resolution 1870 was adopted as presented.

RESOLUTION 1871: THIRD AMENDMENT TO SHARED ETHICS AGREEMENT

Proposed RESOLUTION 1871 is a RESOLUTION AUTHORIZING A THIRD AMENDMENT TO THE INTERLOCAL COOPERATION AGREEMENT FOR SHARED ETHICS. The purpose of the proposed amendment is to better provide and utilize resources and services for the mutual benefit of the participating entities, and at a shared cost, particularly related to administration of the shared ethical values.

Councilor Mangus moved, with a second by Councilor Edington, to adopt Resolution 1871 as presented. Councilors Brown, Edington, Mangus, Nellans, and Mellon voted in favor of the motion; none voted against. The motion passed and Resolution 1871 was adopted as presented.

REPORTS

STIMULUS PROJECTS

As part of the American Recovery and Reinvestment Act of 2009, the federal government is seeking infrastructure projects. Staff presented four projects that are believed to qualify for this program. They include Schoon Ditch combined sewer overflow elimination, Wicker Park Estates combined sewer separation, phase one of the Calumet Avenue/45th Street grade separation, and the Little Calumet River temporary levee projects.

SUBMISSION OF FEDERAL PROJECTS

President Mellon, on behalf of the Town, submitted an application to Congressman Visclosky for funding for fiscal year 2010. Included in the application are the Little Calumet River Flood Control, Energy Co-generation, Schoon Ditch Combined Sewer Overflow Elimination, Wicker Park Combined Sewer, Phase I Construction and Realignment of 45th Street and Calumet Avenue with Grade Separation, and Ridge Road Combined Sewer projects.

STATUS OF NIPSCO RATE CASE

Staff presented a report from London Witte Group summarizing the work done and future plans for the intervention in the NIPSCO rate increase application.

ANNOUNCEMENTS

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

President Mellon announced that during the past month, officers from the Munster Police Department attempted to make contact with each resident residing in the area west of Jefferson Avenue and north of Broadmoor Avenue, asking those who were at home about their concerns in regards to police presence, possible drug activity, street lights, and other quality of life issues. Over 200 individual concerns were received during their canvassing, which will now be forwarded to the appropriate personnel for review and follow-up. The Munster Police Department hopes to conduct this type of canvassing in other areas of town during the remainder of this year.

A resident meeting with State Legislators will be held on Thursday, February 12, 2009, at 7:00 p.m. in the Clubhouse at Centennial Park.

The Munster Civic Foundation will meet on Monday, February 16, 2009, at 7:00 p.m. with the Redevelopment Commission meeting at 8:00 p.m.

The Town Council will conduct a work-study session on Monday, February 23, 2009.

The next regular meeting of the Town Council will be held on Monday, March 9, 2009.

ADJOURNMENT

Upon a motion by Councilor Mangus, seconded by Councilor Brown, the meeting was adjourned at 9:10 p.m.

Michael Mellon, President

ATTEST:

David F. Shafer, IAMC, CMC
Clerk-Treasurer