

**TOWN OF MUNSTER
MINUTES OF REGULAR TOWN COUNCIL MEETING
AUGUST 23, 2010**

A regular meeting of the Munster Town Council convened at 7:00 p.m. on Monday, August 23, 2010, at the Munster Town Hall. Town Councilors John W. Edington, Robert H. Mangus, Michael Mellon, and David B. Nellans were present. Councilor Helen Brown and were absent. Mr. Edington presided. Also present were Clerk-Treasurer David F. Shafer, Town Manager Thomas F. DeGiulio, Assistant to the Town Manager Clay T. Johnson, Town Attorney Eugene M. Feingold, Police Chief Stephen F. Scheckel, Town Engineer James M. Mandon, Director of Operations/Fire Chief James J. Knesek, and Emergency Services Director David Pelc. The news media were represented by LuAnn Franklin of *The Times*.

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

OPEN TO THE PUBLIC

Ms. Bridget Bodefeld, 8335 Crestwood Avenue, asked about the resurfacing of Fairway Avenue. She had been told previously that these streets would not be resurfaced because sewer separation would require them to be torn out. Ms. Bodefeld asked why the change since the sewer separation has still not occurred. Councilor Mellon stated the road in question was in such disrepair it needed to be resurfaced.

Ms. Jean Plusch, 1851 Crestwood Avenue, commented on the green snake and bike path plans. Mr. DeGiulio explained the funding of the projects. The Sewer Maintenance Fund will be used for drainage along the bike path, not to construct the path.

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

CONSENT AGENDA

ACCOUNTS PAYABLE VOUCHER REGISTERS

Confirmation of Voucher Register #10-8C dated 08/12/10 totaling \$161,290.55
Confirmation of Voucher Register #10-8D dated 08/10/10 totaling \$79,163.23
Confirmation of Voucher Register #10-8E dated 08/19/10 totaling \$324,968.01
Confirmation of Voucher Register #10-8F dated 08/13/10 totaling \$320,897.38
Approval of Voucher Register #10-8G dated 08/23/10 totaling \$153,398.17
Confirmation of Voucher Register #10-8H dated 08/20/10 totaling \$26,267.36

DEMOLITION OF 1 RIVER DRIVE

Staff has secured quotes for the demolition of the property and removal of debris at 1 River Drive. The Munster Civic Foundation will pay for this work. The Town will reimburse the Foundation from the Sewer Maintenance Fund when the land swap with the Department of Natural Resources is completed, hopefully within the next six months. The quotes were as follows.

| Vendor | Amount |
|-----------------------------------|-----------|
| Holland Asphalt Services | \$ 6,975 |
| Northern Indiana Mechanical, Inc. | \$ 18,973 |
| Wm. Walters Excavating, Inc. | \$ 19,806 |

The project is being awarded to Holland Asphalt Services and includes the removal of a concrete oil tank and any remaining oil within the tank.

SIDEWALK REPLACEMENT

On October 26, 2009, the Town Council directed that refunds for the cost of sidewalk replacement be made to all residents who were mandated to participate in the 50/50 sidewalk replacement program during 2009. The Clerk-Treasurer's Office made the refunds and continued efforts to collect the homeowner's share from those residents identified to the Clerk-Treasurer's Office as having non-mandated work done.

As the Clerk-Treasurer's Office prepared to send delinquent accounts to a collection agency, two homeowners (Mr. and Mrs. Jose Serrano and Mr. and Mrs. Tod Florek) produced copies of letters from the Town of Munster mandating sidewalk replacement. These letters were previously unknown by the Clerk-Treasurer's Office and appear to be contrary to a previous claim that the work was not mandated. The Town's letters read, in part, "It has been determined that your sidewalk is potentially hazardous and **you must replace it** according to Town Code" (emphasis added).

Neither homeowner has paid anything for sidewalk replacement; hence, there are no refunds to be made. Instead, the Town Council should waive the amounts for which the Serranos and Floreks were invoiced, \$449.38 and \$525.00, respectively, plus interest.

Before sending other delinquent accounts to a collection agency, the Clerk-Treasurer's Office will attempt to determine the written comments of the Town before sidewalk replacements were made.

LANDFILL FINANCIAL ASSURANCE TEST RESULTS

The Indiana Department of Environmental Management, under 329 IAC 10-39-2(6), requires an annual report stating the ability of the Town to meet all the financial assurance requirements to maintain the landfill site. Umbaugh, the financial advisor to the Town, has presented a letter of engagement to perform this service. Umbaugh has prepared and submitted the report in the past. The cost will be \$5,500.00 to be paid from the Solid Waste Management Fund.

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

GENERAL ORDERS

SALE OF WATER DEPARTMENT PROPERTY TO THE MUNSTER REDEVELOPMENT COMMISSION

The Town of Munster Water Utility owns 50' parcel of land on the southern edge of the Calumet Avenue water pump station. The Town is interested in selling this property to the Munster Redevelopment Commission as part of the redevelopment and economic development of the former Carpetland site and Munster Shops project.

The property was appraised independently by Mr. Richard Weiss (\$45,000) and Mr. Thomas Bochnowski (\$36,000). Mr. Feingold has contacted the appraisers and directed them to meet and arrive at a "joint appraisal."

Councilor Mellon moved, with a second by Councilor Nellans, to authorize the sale of the property to the Munster Redevelopment Commission for the purpose of promoting an economic development project at an amount between the amounts of \$36,000 and \$45,000. Councilors Mangus, Mellon, Nellans, and Edington voted in favor; none voted against. The motion carried.

ORDINANCE 1482: USE OF CORPORATE CREDIT CARDS

Proposed ORDINANCE 1482 is AN ORDINANCE AMENDING ORDINANCE 1282 AUTHORIZING THE ISSUANCE OF CORPORATE CREDIT CARDS FOR USE BY CERTAIN EMPLOYEES OF THE TOWN OF MUNSTER. From time to time it is necessary to revise the list of employees authorized to use the Town's American Express corporate credit card. Since adoption of Ordinance 1282 in 2005, the most recent version of this authorization, there was a change in the Chief of Police and the Town Manager began serving as the Interim Director of Parks and Recreation. Proposed Ordinance 1482 has been prepared to reflect these changes.

Councilor Mangus moved, with a second by Councilor Nellans, to suspend the rules, waive the readings, and adopt Ordinance 1482 on first reading as presented. Councilors Mangus, Mellon, Nellans, and Edington voted in favor of the motion; none voted against. The motion carried and Ordinance 1482 was adopted on first reading as presented.

ORDINANCE 1483: AMENDING THE RENTAL INSPECTION PROGRAM

Proposed ORDINANCE 1483 is AN ORDINANCE AMENDING THE TOWN OF MUNSTER MUNICIPAL CODE REGARDING RENTAL DWELLING AND DWELLING UNIT REGULATIONS. The Council has adopted the following ordinances related to the Rental Inspection Program, 1403 (September 8, 2008), 1474 (May 10, 2010), 1477 (June 21, 2010), and 1479 (July 26, 2010). The proposed Ordinance 1483 addresses properties rented to blood relatives and properties currently for sale.

Staff recommends providing a twelve-month exemption from the Rental Inspection Program for properties rented to blood relatives. The exemption will be renewable annually and will require an affidavit be filed and recorded with the Lake County Recorder of Deeds against the properties being exempted. Staff recommends an exemption of 120 days, renewable for 90 days, for properties listed for sale. The property owner must complete an affidavit and file it with the Lake County Recorder of Deeds. Failure to comply with either of these exemptions will result in a \$250.00 fine.

Councilor Mellon moved, with a second by Councilor Mangus, to hear Ordinance 1483 on first reading and schedule second reading at the next regular meeting. Councilor Nellans recused himself because he has a family member who could be directly affected by the ordinance. Councilor Mellon believes the property ordinance needs more clarity and commented on various parts of Ordinance 1483. Motion carried *viva voce*.

RESOLUTION 1905: ADOPTING THE LITTLE CALUMET RIVER BASIN COMMISSION'S FLOOD MITIGATION PLAN

RESOLUTION 1905 is A RESOLUTION ADOPTING THE LITTLE CALUMET RIVER BASIN COMMISSION FLOOD MITIGATION PLAN. The mitigation plan developed by Lake County has been approved by the Federal Emergency Management Agency (FEMA). This paves the way for communities to apply for federal funds to acquire properties in the flood plain. Resolution 1905 formalized Munster's response plan; another plan is under review by the Army Corps of Engineers.

Councilor Mellon moved, with a second by Councilor Mangus, to adopt Resolution 1905 on first reading as presented. Councilors Mangus, Mellon, Nellans, and Edington voted in favor; none voted against. The motion carried and Resolution 1905 was adopted on first reading as presented.

ORDINANCE 1484: REGISTERING PRIVATE SCAVENGERS AND SCRAPPERS

Proposed ORDINANCE 1484 is AN ORDINANCE PROVIDING FOR THE LICENSING OF PRIVATE SCAVENGERS AND SCRAPPERS. Staff is seeking to control private individuals that patrol the town taking material put out for garbage collection. Ordinance 1484 requires these individuals to register with the Town and submit to a background check. The annual license cost is \$50.00 with a \$100.00 fine for functioning without the license. Councilor Mellon observed that the maximum fine allowed is \$250.00 and that the fine should be high enough to discourage avoiding getting the license. Councilor Nellans agreed with a \$250.00 fine.

Councilor Mellon moved, with a second by Councilor Nellans, to hear Ordinance 1484 on first reading and schedule second reading. Motion carried *viva voce*.

AUTHORIZATION TO BID ON TAX SALE PROPERTY: 8050 KOOY DRIVE

The Town received a judgment against the property located at 8050 Kooy, demolished the property, and filed liens in an attempt to recover the costs of \$19,000-\$21,000. The delinquent taxes are approximately \$29,000. Staff is requesting authorization to bid on the property. If successful, the Town will hold and maintain the land then sell it when the market recovers.

Councilor Mellon stated this would be chasing good money after bad and that the Town would not recover its costs. Councilor Mangus, a real estate agent, stated it will come out of the flood zone in 2012. If the market improves, Councilor Mangus believes the property would sell for \$40,000 to \$50,000 in four to five years.

No motion was made. Therefore, no authorization to participate in the tax sale was granted.

ORDINANCE 1485: ESTABLISHING GOLF AND BANQUET FEES

Proposed ORDINANCE 1485 is AN ORDINANCE AMENDING SCHEDULE A, A NON-CODIFIED PORTION OF THE MUNICIPAL CODE, AMENDING FEES, CHARGES, AND VIOLATIONS. At their August 17, 2010 meeting, the Park Board adopted Resolution 2010-07 recommending the Town Council amend Schedule A as it relates to various park fees. Ordinance 1485 established the golf pass fees for 2011 and offers a discount to those individuals who purchase a 2011 pass beginning September 1, 2010. Current pass holders can purchase a 2011 pass at 2010 rates through February 28, 2011. The ordinance also provides for discounts at The View and the banquet facility under certain conditions.

Councilor Mellon requested a cost analysis before further adjustments are made.

Councilor Mellon moved, with a second by Councilor Nellans to suspend the rules, waive the readings, and adopt Ordinance 1485 on first reading as presented. Councilors Mangus, Mellon, Nellans, and Edington voted in favor; none voted against. Ordinance 1485 was adopted on first reading as presented.

ANNOUNCEMENTS

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

Town Hall will be closed Monday, September 6, 2010 in observance of Labor Day.

The Town Council and the Redevelopment Commission will each hold a regular meeting September 13, and 27, 2010.

ADJOURNMENT

There being no further business to come before the Council, and upon a motion by Councilor Mangus, seconded by Councilor Nellans, the meeting was adjourned at 8:10 p.m.

John W. Edington, President

ATTEST:

David F. Shafer, IAMC, CMC, Clerk-Treasurer