

**TOWN OF MUNSTER
MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL
FEBRUARY 17, 2020**

A regular meeting of the Munster Town Council convened at 7:00 p.m. on Monday, February 17, 2020, at the Munster Town Hall. Town Councilors Chuck Gardiner, Andy Koultourides, Lee Ann Mellon, Kenneth J. Schoon, and Steve Tulowitzki were present. Also present were Clerk-Treasurer Wendy Mis, Controller Patricia L. Abbott, Town Manager Dustin Anderson, Town Attorney David W. Westland, Police Lieutenant Dan Broelmann, and Superintendent of Operations Chris Spolnik. The news media were not represented.

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

45th STREET CONSTRUCTION UPDATE

DLZ representative Lee Randell reported that excavation continues. The relief wells are being installed and will be complete in the next week. The final relief wells will be installed once the shoo-fly is removed. Hawk Enterprises will begin making adjustments to the lights and signals based on requests from NIPSCO.

In response to questions from Councilors Schoon, Koultourides, and Tulowitzki, Mr. Randell provided more information about the relief wells and explained that the lights will be billed at a flat rate.

PUBLIC COMMENT

Mr. Mike Dujmovic, 1833 Tulip Lane, asked about Centennial Park and for a status report on the committee created to address the accident involving a cyclist last fall. Mr. Anderson responded that the issue with the Centennial Park Clubhouse is ongoing. A committee of Town officials and concerned citizens convened and discussed the accident. Mr. Anderson offered to provide Mr. Dujmovic with the minutes from the meeting.

No one else rose to claim the floor, and the floor was closed.

CONSENT AGENDA

APPROVAL OF MINUTES

Approval of the minutes of the special meeting held on February 3, 2020

ACCOUNTS PAYABLE VOUCHER REGISTERS

Confirmation of Voucher Register #20-1V dated 01/31/2020 totaling \$52,772.80
Confirmation of Voucher Register #20-1W dated 01/02/2020 totaling \$104.96
Confirmation of Voucher Register #20-1X dated 01/21/2020 totaling \$609.99
Confirmation of Voucher Register #20-1Y dated 01/28/2020 totaling \$385.52
Confirmation of Voucher Register #20-2B dated 02/04/2020 totaling \$1,565.00
Confirmation of Voucher Register #20-2C dated 02/04/2020 totaling \$354.64
Confirmation of Voucher Register #20-2D dated 02/06/2020 totaling \$379,753.77
Confirmation of Voucher Register #20-2E dated 02/10/2020 totaling \$162,405.29
Confirmation of Voucher Register #20-2F dated 02/10/2020 totaling \$119,332.47
Confirmation of Voucher Register #20-2G dated 02/07/2020 totaling \$3,100.00
Confirmation of Voucher Register #20-2H dated 02/11/2020 totaling \$22,734.90
Confirmation of Voucher Register #20-2I dated 02/11/2020 totaling \$262.59
Confirmation of Voucher Register #20-2J dated 02/17/2020 totaling \$140,911.54
Confirmation of Voucher Register #20-2K dated 02/13/2020 totaling \$444,367.17
Confirmation of Voucher Register #20-2L dated 02/14/2020 totaling \$469,105.83
Confirmation of Voucher Register #20-2M dated 02/14/2020 totaling \$441,534.80

ACCEPTANCE OF PUBLIC OFFICIALS' BONDS

There are statutory needs for certain officers and employees of a town to file individual surety bonds for the faithful performance of their duties.

IC 5-4-1-18 stipulates that the bond of a town clerk-treasurer shall be fixed by the town council in an amount equal to \$15,000 for each one million dollars of receipts, up to a maximum bond amount of \$300,000. During 2019, the Town of Munster received net revenues in excess of \$25,000.00. Twenty-five times \$15,000 equals \$375,000. Therefore, the bond for the Munster Clerk-Treasurer should be in the amount of \$300,000. The Munster Clerk-Treasurer is Wendy Mis.

IC 36-7-14-7(c) calls for each redevelopment commissioner (each member of the Munster Redevelopment Commission) to execute a bond in the amount of \$15,000 before beginning his (her) duties. Further, the cost of the bond shall be paid by the special taxing district. The Munster Redevelopment Commissioners are Chuck Gardiner, Andy Koultourides, Lee Ann Mellon, Kenneth J. Schoon, and Steve Tulowitzki.

IC 36-5-5-5 stipulates that a town manager "must, in the manner prescribed by IC 5-4-1, execute a bond for the faithful performance of his duties." IC 5-4-1-18(c)(2) requires the "amount of the bond of any other person required to file an individual bond shall be fixed by the fiscal body of the unit" at not less than \$5,000. Dustin C. Anderson is the Munster Town Manager.

The Town of Munster Board of Safety is a town board of metropolitan police commissioners. IC 36-8-9-3.1(f), stipulates that a board member shall give a bond in the amount of \$5,000. The members of the Munster Board of Safety are Jerome R. Baffa, Lorin M. Brown, Michael Clark, Linda S. Dunn, and Robert F. Ellis.

IC 36-8-6-3(e) stipulates that a secretary of a 1925 police pension fund "shall, in the manner prescribed by IC 5-4-1, execute a bond conditioned upon the faithful discharge of the secretary's duties." IC 5-4-1-18(c)(2) required the "amount of the bond of any other person required to file and individual bond shall be fixed by the fiscal body of the unit" at not less than \$5,000. The Secretary of the Munster Police Pension Board is Michael Janiga.

Public official bonds have been executed by the town clerk-treasurer, the five redevelopment commissioners, the town manager, the five members of the board of public safety and the secretary of the police pension board and are now ready for acceptance by the Town Council.

ANNUAL FINANCIAL REPORT

Per IC 5-11-1-4 every municipality and local government is required to provide electronically and, in a manner prescribed by the State Examiner, financial reports for the fiscal year not later than sixty days after the close of the fiscal year. Completion and submission of the Gateway Annual Financial Report (AFR) will fulfill this requirement.

The Annual Financial Report (AFR) was submitted to Gateway on February 12, 2020.

TREASURER'S REPORT

The January 2020 Treasurer's Report was presented for acceptance.

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 (the Town Council) 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.

Fund	Check No.	Check Date	Paid to the Order of	Check Amount	For
204	859488	08/31/17	Helen Riccio	\$ 100.00	Refund damage deposit
204	49370459	06/10/16	Perla Araujo	\$ 100.00	Refund damage deposit
			Subtotal	\$ 200.00	
601	858359	05/18/17	Nariman & Mohamad Ayed	\$ 44.15	Refund Water Credit/Final
			Subtotal	\$ 44.15	
101	858958	07/20/17	David & Lauren Holloway	\$ 250.00	Refund block party deposit
			Subtotal	\$ 250.00	
			Grand Total	\$ 494.15	

After a check has been outstanding for three months, the Clerk-Treasurer's Office sends a letter to the payee explaining the procedure for obtaining a replacement for a lost or destroyed check. Some payees take advantage of our advice; others do not. In an effort to minimize the number of outstanding checks, we send at least three letters. Honoring, cashing, or accepting for payment or deposit any of these voided checks would be a violation of IC 5-11-10.5-2.

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

NEW BUSINESS

RESOLUTION 2063: OPPOSITION TO HOUSE BILL 1165

Proposed RESOLUTION 2063 is A RESOLUTION ARTICULATING THE "SENSE OF THE TOWN COUNCIL" REGARDING ITS OPPOSITION TO HOUSE BILL 1165, WHICH WILL PROHIBIT CURRENTLY LAWFUL PRACTICES OF MUNICIPAL UTILITIES FROM REQUIRING EITHER LANDLORDS TO CO-SIGN FOR TENANTS OR FOR REQUIRING LANDLORDS TO SIGN INSTEAD OF TENANTS. Ordinance 1403, adopted September 8, 2008, implemented the rental property inspection program. As part of that program, the Munster Water Utility began to enforce the regulation that landlords are responsible for the water utility bills at their residential rental properties. In practice, this means the Town has a service agreement with the landlord and the landlord is ultimately responsible for any charges at their properties. The landlord receives the utility bill each month and is aware of the amount due.

The Council discussed the matter at length at the February 22, March 8, March 29, April 12, and May 10, 2010 meetings. The regulation was put in place, in part, to protect the utility from tenants that do not pay their bills and then leave Town. This is a common situation and generally results in uncollected debts which the Council writes off.

The Indiana General Assembly is currently considering House Bill 1165 which will prohibit this type of regulation. In other words, utilities will not be able to hold the landlord responsible for his or her property. While the proposed law would allow municipalities to run credit checks on tenants, municipalities would not be able to charge a higher deposit based on the creditworthiness of the individual nor would municipalities be able to prevent a tenant with bad debts at one address from starting a new account at another address.

If House Bill 1165 is adopted in its current state, the Town anticipates an increase in the uncollectible debts and future write-offs. Resolution 2063 was drafted to inform decisionmakers of Munster's opposition to House Bill 1165.

Councilor Gardiner sought clarification on the current practices.

Councilor Tulowitzki asked the position of AIM and stated the organization follows bills in the General Assembly and helps keep municipalities informed.

Councilor Schoon moved, with a second by Councilor Gardiner, to adopt Resolution 2063 as presented. Councilors Gardiner, Koultourides, Schoon, Tulowitzki, and Mellon voted in favor; none voted against. Motion carried and Resolution 2063 was adopted as presented.

PURCHASE AWARD: TWO MEZZANINES

Several departments used space of the Munster Business Complex for storage of vehicles, equipment, and tools. Since the sale of the Munster Business Complex, many of these items are now stored in the Public Works Garage. In order to maximize the space, Staff recommends installing metal prefabricated elevated mezzanines with wood decking. Quotes for two mezzanines were received as follow.

Vendor	12' x 23' size	24" x 39" size	Freight	Total Cost
PK Structures				
Earth City, Missouri	\$ 9,584.63	\$ 23,976.12	\$ 3,526.00	\$ 37,086.75
Tiger Material Handling, Inc.				
Clay Center, Ohio	\$ 9,231.00	\$ 22,832.00	\$ 1,405.00	\$ 33,468.00
Master Built Construction, Inc.			Unstated but	
Lebanon, Indiana	\$ 10,654.00	\$ 25,046.00	not included	\$ 35,700.00

Councilor Gardiner moved, with a second by Councilor Koultourides, to approve the quotation for Tiger Material Handling for two mezzanines for a total cost of \$33,468.00 to be paid from the Municipal Bond Proceeds Fund. Motion carried *viva voce*.

CHANGE ORDER: GREENWOOD SANITARY SEWER

At the October 7, 2019 meeting, the Council awarded a contract to Grimmer Construction in the amount of \$44,150.00 to replace a 4” sanitary sewer line and to brick off the existing storm sewer. Once work began, a number of unexpected complications were encountered.

There were numerous underground utility lines requiring load distribution mats and shoring and trenching for safety purposes. Dewatering and a wider excavation area were required to perform the work. Finally, the replacement pipe needed to be 12” instead of the 8” anticipated.

The total cost of the additional work is \$36,876.17 bringing the total contract to \$81,026.17. The current amount due is \$70,916.17 with the \$10,110.00 balance dues after the restoration work in the spring. While the change order represents an increase from the amount quoted, the final price is still lower than the second lowest quote of \$86,000.00 provided last fall.

Discussion ensued regarding the overall project and the causes that led to the requested change order.

Councilor Koultourides moved, with a second by Councilor Tulowitzki, to approve a change order on the Greenwood Sanitary Sewer Project in the amount of \$36,876.17 to Grimmer Construction revising the contract final amount to \$81,026.17. Motion carried *viva voce*.

[Clerk-Treasurer’s note: I.C. 36-1-12-18 addresses change orders. While this change order exceeds the 20% limit on a change order under IC 361-12-18(d), the scope of the project was not increased. The circumstances leading to the change order could not have been reasonably foreseen.]

DESIGN PROPOSAL: CDBG ALLEY PAVING PROJECT

The Town has received a Community Development Block Grant (CDBG) from the Lake County Community Economic Development Department for repaving three residential alleys and one commercial alley on

the northwest side of town. The contract for the work was awarded to Walsh & Kelly at the February 3, 2020 meeting. SEH has submitted a proposal for the necessary design work to include the following.

- Onsite resident project representative services during the construction phase
- Verification of installation quantities
- Verification of conformance with plans and specifications
- Review and recommendation of contractor pay applications
- Assembly of final construction records
- Preparation of closeout documentation for the grant.

The proposal does not include Construction Phase Services. Construction is expected to begin in late April when the asphalt plants open for the season.

The work will be completed on an hourly rate basis not to exceed \$10,000.00 without prior authorization from the Town.

Councilor Gardiner moved, with a second by Councilor Koultourides, to accept the SEH proposal for the CDBG Alley Paving project management. Motion carried *viva voce*.

REQUEST TO DISPOSE OF PROPERTY

The Police Department has items that are no longer in use and have no value. Staff is recommending disposal of the listed equipment.

<u>Item</u>	<u>Model Number</u>	<u>Serial Number</u>
Office chair	NA	NA
Taser	X29	X29001VKK
Taser	X29	X29000555
Computer Hardware	Cradlepoint	MM140253400204
Six (6) wooden squad storage boxes	NA	NA

Councilor Koultourides moved, with a second by Councilor Tulowitzki, to authorize the Police Department to destroy the listed property and remove same from the current inventory. 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, March 2, 16, and April 6, 2020. The Redevelopment Commission will hold regular meetings immediately following Town Council meetings.

ADJOURNMENT

There being no further business to come before the Council, and upon a motion by Councilor Tulowitzki, seconded by Councilor Schoon, the meeting adjourned at 7:30 p.m.

ATTEST:

Lee Ann Mellon, President

Wendy Mis, Clerk-Treasurer