

TOWN OF MUNSTER
MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL
JULY 17, 2023

A meeting of the Munster Town Council convened at 7:00 p.m. on Monday, July 17, 2023. Ordinance 1830 is the basis for holding electronic meetings. The announced meeting location was Munster Town Hall. Councilors, Staff, and the public had the option to participate via Zoom meeting technology.

Councilors Chuck Gardiner, Lee Ann Mellon, and Steven Tulowitzki were physically present at Town Hall. Councilors Andy Koultourides and Ken Schoon were absent. Also present in Town Hall were Clerk-Treasurer Wendy Mis, Controller Patricia Abbott, Deputy Town Manager Jill DiTommaso, Fire Chief Mark Hajduk, Town Attorney Dave Westland, and Munster Representative to the Hammond Sanitary District Mike Hawkins. The news media were not represented.

President Gardiner opened the meeting with a moment of silence followed by the pledge of allegiance.

PROCLAMATION: NATIONAL NIGHT OUT AGAINST CRIME

President Gardiner read the proclamation recognizing August 1, 2023, as National Night Out Against Crime in the Town of Munster.

Councilor Tulowitzki moved, with a second by Councilor Mellon, to adopt the “National Night Out Against Crime Proclamation as presented.” Councilors Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion carried, and the proclamation was adopted.

FIRE DEPARTMENT GRANT AWARD

The Munster Fire Department has been awarded a \$10,000.00 Newborn Safety Device Grant from the Indiana Department of Homeland Security. The grant will be used to install a Safe Haven Baby Box at Station 2 on Fisher Street. The Fire Department will begin the search for contactors to perform the work necessary for the installation. The grant funds must be obligated, and the project completed by June 30, 2024.

PUBLIC COMMENT

The Town of Munster accepts public comments submitted both in-person and electronically. The public was informed, via the agenda posted at munster.org, that questions or comments about an item on the agenda were to be emailed to danderson@munster.org.

Mr. Rick Spindler, 8046 Hohman Avenue, stated he had submitted an Access to Public Records request with the Town Manager regarding the 50/50 Sidewalk Program. Mr. Spindler also asked about police discipline. He provided copies of the request and his contact information for follow-up.

No one else rose to claim the floor.

CONSENT AGENDA

APPROVAL OF MINUTES

Minutes of a regular meeting held on July 6, 2023

ACCOUNTS PAYABLE VOUCHER REGISTERS

Confirmation of Voucher Register #23-7B dated 07/06/23 totaling \$444,662.40
Confirmation of Voucher Register #23-7C dated 07/10/23 totaling \$53,323.73
Confirmation of Voucher Register #23-7D dated 07/10/23 totaling \$40,088.81

Confirmation of Voucher Register #23-7E dated 07/13/23 totaling \$37,117.74
Approval of Voucher Register #23-7F dated 07/17/23 totaling \$369,354.87
Confirmation of Voucher Register #23-7G dated 07/14/23 totaling \$635,882.17

WATER BILL ADJUSTMENTS 2023-40 AND 2023-41

Staff received requests for adjustment under the leak adjustment policy adopted by the Town Council on April 8, 2013. The customer has completed the required form and the request meets all the criteria for adjustments as follows:

<u>Adjustment Number</u>	<u>Average Usage</u>	<u>Actual Usage</u>	<u>Length of Time</u>	<u>Original Bill</u>	<u>Adjustment Amount</u>	<u>Adjusted Bill</u>
2023-40	7,000	53,000	2 months	\$ 246.24	\$ 162.18	\$ 84.06
2023-41	7,000	23,000	2 months	\$ 135.96	\$ 51.90	\$ 84.06

Councilor Mellon moved, with a second by Councilor Tulowitzki, to suspend the rules, waive the readings, and adopt the Consent Agenda as presented. Councilors Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion passed.

NEW BUSINESS

TOWN ATTORNEY HOURLY RATES

The Law Offices of David E. Wickland has performed legal services for the Town of Munster at the hourly rate of \$190.00 since 2021. The firm now asks the Town Council to approve an increase in the hourly rate to \$205.00 beginning with the July 2023 billing as recited in his Letter of Engagement dated July 12, 2023.

Councilor Mellon moved, with a second by Councilor Tulowitzki, to approve the requested hourly rate of \$205.00 from attorney Dave Wickland. Councilors Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion passed.

DEVELOPMENT AGREEMENT: PHASE 1A KENMARA

At the May 1, 2023, meeting, Council accepted the non-binding letter of intent with Saxon Partners for the potential development at the former Lansing Country Club site. Since that time, Staff has continued to work with Saxon Partners to form a development agreement, the first part of which was presented this evening. This agreement is a mechanism to allow those funds already awarded to be expended with no current or future obligation, fiscal or otherwise, from the Town.

Phase 1A focuses on providing access to the site with the following improvements included in the agreement.

- Extension of Fisher Street west of Manor Avenue to Cross the NIPSCO right-of-way and then turn south onto the project site with principal access from the north
- Demolition of three residential structures on Manor Avenue and Timrick Drive
- Reconfiguration of Timrick drive to Manor Avenue
- Redevelopment and expansion of new land for Evergreen Park following the reconfiguration of Timrick Drive. The new park boundaries will be fully established with grounds fully graded and hydroseeded. Existing critical landscape that can be preserved will remain.
- Site utilities and Pennsy Greenway enhancements in the vicinity of Fisher Street for improved pedestrian connectivity

Total costs for the Phase 1A off-site improvements is \$5,171,000. The READI Grant in the amount of \$1.4 million leaves \$3,771,000 which will be the responsibility of the developer. The Town and Saxon Partners will continue to work together for the subsequent phases of the project.

Representatives of the Kenmara were present, made a short presentation, and were available for questions. Members of Council thanked Staff for their efforts to bring the project to this point.

Councilor Tulowitzki moved, with a second by Councilor Mellon, to approve the Kenmara Phase 1A Development Agreement between Saxon Partners Indiana and the Town of Munster. Councilors Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion passed.

CHANGE ORDER: RIDGE ROAD WATER TOWER RECONDITIONING

Council approved the Master Services Agreement with Utility Service Co., Inc. (Veolia) for a full-service water tank rehabilitation program. The first two tanks at the Calumet Avenue pumping station were completed earlier this year. The elevated tower on Ridge Road is scheduled for reconditioning next month. The interior and exterior surfaces will be sand blasted, receive minor repairs, and coating of the surfaces with a specialty coating system. Included in the work is the application of a logo like what is there now.

This is an opportunity to change the logo on the tank as well as make safety and operations upgrades to the tank. Council was presented with three options for the logo and Option 2 which includes “MUNSTER” and the mustang logo of the School Town of Munster. This option is an additional cost of \$6,781.00.

When the Indiana Department of Environmental Management make their last inspection of the tower, they recommended the existing air gap on the overflow piping be removed and that screening and a flapper valve be installed on the overflow pipe at ground level. Utility Service Co., Inc. has provided a proposal to do this work at a cost of \$7,627.00.

Councilor Tulowitzki moved, with a second by Councilor Mellon, to approve Change Order No. 1 for a total cost of \$14,408.00. Councilors Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion passed.

BID AWARD: CCMG 23-1 PAVING AND WATER MAIN IMPROVEMENTS

Staff opened bids on July 12, 2023, for the Paving and Water Main Improvements Project which includes Tamarack Place, Pasturegate Lane, Thicket Lane, Treadway Court, and Tudor Court. As part of the same project, there will be improvements to Azalea Drive and pedestrian improvements at the Fran Lin Parkway/Oriole Drive intersection. This additional work is not part of the CCMG funding and will be fully funded by the Town.

The Engineer’s estimate for the work was \$3,097,614.90, and the bids were as follows.

Milestone Contractors North	\$2,966,562.50
Rieth-Riley Construction	\$3,266,927.22

The CCMG funding will cover \$597,125.50. The remaining road work will be paid from the Municipal Bond Proceeds Fund. Water funds will cover all water main improvements and the resulting pavement replacement on Azalea Drive.

Councilor Mellon moved, with a second by Councilor Tulowitzki, to award Milestone Contractors North, Inc. the contract for the Paving and Water Main Improvements on Azalea, Thicket, Pasturegate, Tamarack, Treadway, Tudor, and Fran Lin (CCMG 23-1) at the bid price of \$2,966,562.50. Councilors Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion passed.

AMENDMENT TO AGREEMENT: ON-CALL PLANNING SERVICES

Council approved an agreement for on-call planning services with HWC Engineering at the May 1, 2023, meeting. The agreement provides services related to the Plan Commission and Board of Zoning Appeals for a three-month period at a cost not-to-exceed \$24,000.00. Staff requested this arrangement for the interim period to find a replacement for the former Planning Director who resigned.

The position has not yet been filled and Staff anticipates needing these services for a transition period after a new Planning Director is hired and in place. As a result, Staff is requesting an additional three months and an additional no-to-exceed of \$24,000.00 for a total not-to-exceed of \$48,000.00.

Councilor Tulowitzki moved, with a second by Councilor Mellon, to authorize the Town Manager to execute Amendment 1 of the agreement between HWC Engineering and the Town of Munster. Councilors Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion passed.

ORDINANCE #1908: MAPLE LEAF CROSSING PUD

Proposed ORDINANCE 1908 is AN ORDINANCE AMENDING THE MAPLE LEAF CROSSING PLANNED UNIT DEVELOPMENT. The proposed amendment will modify the adopted development standards and site plan to add parking spaces and modify Lots 2-7 and Outlots A and B.

Ordinance 1803 established the PUD at 9352-9482 Calumet Avenue. Ordinance 1878 provided for the development of Lot 7 as a 6,400 square foot cigar bar and restaurant. The proposed ordinance will allow for more additional parking by removing the bicycle path through the site and decreasing landscaped areas. Other changes include the addition of a trash enclosure and decreased size of office buildings on Lots 5 and 6.

Amending a planned unit development is a zoning matter requiring a public hearing with the Plan Commission which was held on June 13, 2023. There were no remonstrances. The Plan Commission forwarded a unanimous, favorable recommendation for approval by the Town Council. Council must now take action to adopt, reject, or amend the proposal. Rejection or amendment to the proposal requires further consideration by the Plan Commission.

The following four conditions were a part of the recommendation of the Plan Commission.

1. A commitment to plant future parkway trees after construction of the Maple Leaf boulevard extension in the right-of-way labeled "No Plantings in Right-of-Way."
2. Modifications to the parking and landscaping will be reflected in the approved Site Plan. The modifications include the addition of landscaping to the northwest corner of the site and the removal of three proposed parking spaces and associated striping south of the parking lot entrance from Maple Leaf Boulevard.
3. The crosswalk in Outlot A between Lot 2 (Hyatt) and Lot 7 (Karma Cigar Bar and Restaurant) be redesigned to be perpendicular with the drive lane. Perpendicular crosswalks are shorter and help to move pedestrians through a street or drive lane more quickly.
4. The Development Plan shows consistent square footage labeling of all structures in the development.

Councilor Mellon moved, with a second by Councilor Tulowitzki, to approve Ordinance 1908 amending the Maple Leaf Crossing PUD to add parking spaces and modify Lots 2-7 and Outlots A and B in the Maple Leaf Crossing PUD at 9410-9470 Calumet Avenue, Munster, Indiana, with the conditions outlined by the Plan Commission. Councilors Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion carried.

ORDINANCE #1909: ADDITIONAL APPROPRIATIONS (2)

Proposed ORDINANCE 1909 is AN ORDINANCE FOR THE ADDITIONAL APPROPRIATION OF FUNDS FOR THE YEAR 2023 (2). As part of the 2024 budget preparation process, all funds are being reviewed and four were found to need additional appropriations.

- The Parking Fund needs an additional appropriation of \$25,000.00 to pay the management fees to ASTA.
- In order to fully appropriate the ARPA Fund, an additional appropriation of \$63,780.00 is needed.
- The Special Asset Forfeiture Non-Reverting Fund received funds from a joint Federal effort and would like these funds appropriated in the amount of \$25,000.00.
- The Opioid Restricted Fund needs an appropriation in the amount of \$6,000.00 to be used towards the DARE program. This use of the Opioid Restricted Fund was approved by Council earlier this year.

The procedure for securing additional appropriations requires a public hearing, scheduled for August 7, 2023, and the adoption of an ordinance by the Town Council. Each of these funds is considered “reporting only” and the DLGF does not approve or deny these. Upon passage of the ordinance, the additional appropriations will be in effect. The information will be forwarded to the DLGF for reporting purposes, but no determination will be made.

Ordinance 1909 has been drafted to start the process.

Councilor Tulowitzki moved, with a second by Councilor Mellon, to hear proposed Ordinance 1909 for additional appropriations on first reading, and schedule a public hearing and second reading for August 7, 2023. Councilors Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion carried.

REPORTS

2023 JULY 4th PARADE RESULTS

President Gardiner read the results of the July 4, 2023, parade contest.

PORTFOLIO REPORTS

President Gardiner announced the remaining Civic Monday concerts including a performance by the Northwest Indiana Symphony.

ANNOUNCEMENTS

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

The Town Council will hold a regular meeting on Monday, August 7, 2023. The Redevelopment Commission will hold a regular meeting immediately following.

ADJOURNMENT

There being no further business to come before the Council, and upon a motion by Councilor Mellon and seconded by Councilor Tulowitzki, the meeting adjourned at 7:33 p.m. by voice vote.

ATTEST:

Chuck Gardiner, President

Wendy Mis, Clerk-Treasurer