

**TOWN OF MUNSTER**  
**MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL**  
**OCTOBER 2, 2023**

A meeting of the Munster Town Council convened at 7:01 p.m. on Monday, October 2, 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, Ken Schoon, and Steven Tulowitzki were physically present at Town Hall. Councilor Andy Koulourides was absent. Also present in Town Hall were Clerk-Treasurer Wendy Mis, Controller Patricia Abbott, Deputy Town Manager Jill DiTommaso, Town Attorney Dave Westland, Superintendent of Operations Chris Spolnik, 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.

**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](http://munster.org), that questions or comments about an item on the agenda were to be emailed to [danderson@munster.org](mailto:danderson@munster.org).

Mr. Paul Nelson, 8026 Harrison Avenue, provided a petition with approximately 200 signatures, the text of which follows.

To: Town of Munster  
1005 Ridge Rd.  
Munster, IN

Dear Town Manager Dustin Anderson and the Town Council of Munster, IN.

The first Earth Day occurred in 1970 in order to bring environmental issues onto the national agenda. For this Earth Day in 2023 we want to bring the needs and issues of sustainability to our local agenda in the Town of Munster. Sustainability, climate change, pollution and environmental degradation are no longer ethereal concepts but factors that will affect most of us and the next generation of Munster residents.

Because of this, we are urging the Town of Munster and all of its departments and assigns to consider the immediate and future environmental costs when assessing operations within the town. An example would be to factor in the environmental costs of public programs and events. We would encourage the town to consider the formation of a sustainability commission, the appointment or recycling coordinators for municipal buildings and departments, and guidelines for sustainability to be implemented for government works.

We the undersigned see the climate crisis and its effects on our standard of living and our children's future to be one of the most important issues of our day. Please take note that our community and local government are both needed to make a measurable impact for the betterment of future generations.

In addition, two students, Kevin and Lily, spoke as representatives of the Munster High School Environmental Club asking the Town to take action on this matter. Councilors Tulowitzki and Schoon commended the students for coming to the meeting and speaking to the Council.

Mr. Chris Hansen, 8312 Columbia Avenue, expressed concern about the home next to his. This is the second time he has spoken on this matter at a meeting. Council informed him that the matter is under review by legal counsel and a follow-up call will happen this week. Mr. Hansen was asked to maintain decorum and civility through the process and understand that Council is acting with him in good faith.

Mr. Stephen Gunty, 9232 Briarwood Circle, presented Councilors with documents regarding recent events for their review. Mr. Westland informed Mr. Gunty that any document given to a Councilor in their official capacity is a public record and might be disclosable under the Access to Public Records Act.

No one else rose to claim the floor.

### **CONSENT AGENDA**

### **APPROVAL OF MINUTES**

Minutes of a regular meeting held on September 18, 2023

### **ACCOUNTS PAYABLE VOUCHER REGISTERS**

Confirmation of Voucher Register #23-9H dated 09/21/23 totaling \$19,224.67

Confirmation of Voucher Register #23-9I dated 09/22/23 totaling \$465,169.69

Confirmation of Voucher Register #23-9J dated 09/22/23 totaling \$200.67

Confirmation of Voucher Register #23-9K dated 09/28/23 totaling \$432,154.27

Approval of Voucher Register #23-10A dated 10/02/23 totaling \$146,292.01

### **TREASURER'S REPORT**

August 2023 Treasurer's Report was presented.

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

### **OLD BUSINESS**

### **ORDINANCE 1913: PAYMENTS IN ADVANCE**

Introduced ORDINANCE 1913 is AN ORDINANCE AUTHORIZING THE ADVANCE PAYMENT OF CERTAIN EXPENSES. Ordinance 1913 had first read at the September 18, 2023, meeting. It has been drafted to allow for payments in advance of receiving goods and services in specific instances. This has not been permitted in the past. The most recent session of the General Assembly made it possible if a municipality to adopt an ordinance in compliance with the law.

The ordinance places the following restrictions on advance payments.

1. A contract approved by Council is in place.
2. The contractor makes a request in writing that includes documentation of the items purchased including any purchase orders, invoices, and receipts.
3. The amount requested does not exceed what was listed in the bid documents.
4. A statement certifying the truth and accuracy of the amount requested which has been signed by the contractor, any subcontractors, any architect, engineer, or other consultant hired by the Town for the project, and an employee of the Town responsible for the project.

The ordinance also authorizes the Clerk-Treasurer to make advanced payments for other goods and services with specified documentation, tracking, and surety bond if the prepayment exceeds \$150,000.00. In both situations, there is a limit on the amount of the prepayment of either 50% of the entire cost or \$2 million, whichever is less.

Councilor Tulowitzki moved, with a second by Councilor Mellon, to adopt Ordinance 1913 as presented. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion passed.

## **ORDINANCE 1914: 2024 BUDGET AND TAX LEVIES**

Introduced ORDINANCE 1914 is an ORDINANCE FOR APPROPRIATIONS AND TAX RATES. The ordinance had a public hearing and first reading at the September 18, 2023, meeting. The ordinance has been drafted to match the submittal that will be made to the Department of Local Government Finance (DLGF). Final budget certification for those funds approved by DLGF is expected by year-end.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to adopt introduced Ordinance 1914 on second reading as presented. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion passed.

## **NEW BUSINESS**

### **ORDINANCE 1917: 2023 GO BOND ORDINANCE AMENDMENT**

Proposed ORDINANCE 1917 is AN ORDINANCE OF THE TOWN OF MUNSTER, INDIANA, AMENDING ORDINANCE NO. 1915 IN ORDER TO MAKE CERTAIN TECHNICAL CORRECTIONS. At the September 18, 2023, meeting of the Town Council, Ordinance 1915 was adopted. This ordinance authorized the issuance and sale of general obligation bonds. Small revisions that would make the sale of these bonds more straightforward and the administration of debt service more streamlined have been found. These revisions include the following.

- The last sentence in Section 2(c) will change from “December 31, 2026” to “December 31, 2027”;
- and,
- Section 2(b) will change the maximum interest rate on the bonds from 7% to 6%; and,
- The last sentence of Section 2(b) will change the interest accrual method from actual/365 to a 30/360 basis.

Councilor Mellon moved, with a second by Councilor Schoon, to suspend the rules, waive the readings, and adopt Ordinance 1917 on first reading as presented, thereby authorizing the issuance and sale of general obligation bonds. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion passed.

### **ORDINANCE 1918: ADDITIONAL APPROPRIATIONS (4)**

Proposed ORDINANCE 1918 is AN ORDINANCE FOR THE ADDITIONAL APPROPRIATION OF FUNDS FOR THE YEAR 2023 (4). There are seven funds that need additional appropriations.

- The Park Donation Non-Reverting Fund needs an additional appropriation of \$20,000.00 to purchase memorial trees and plaques.
- The Sewer Maintenance Fund needs \$50,000.00 to complete a drainage issue in the Community Estates subdivision.
- Later this year Council will be asked to declare surplus old bond proceeds and use them to offset the year-end debt payment. In order to do this, the Redevelopment Bond Proceeds Fund needs an additional appropriation of \$7,368.00.
- The Major Moves Fund needs an additional \$10,000.00 to pay for paving work on 45<sup>th</sup> Street. This fund was created when the Indiana Toll Road was sold, and the monies are restricted to road repair and resurfacing work. Staff wants to spend down the balance remaining and ultimately close the fund. The remaining funds represent interest earned over the years.
- The Consumer Water Deposit Fund needs an additional \$25,000.00 in appropriations in order to continue refunding deposits as customers move and close their water bill account.
- The Park Land Escrow Fund needs an additional appropriation in the amount of \$3,559,400.00. This is the amount of the contract with Hasse Construction to build the new buildings at Centennial Park. The money to support this expenditure come from the settlement reached last year.
- The Water Cash Operating Fund needs an additional appropriation in the amount of \$375,000.00 to cover the water purchases from the City of Hammond.

The procedure for securing additional appropriations requires a public hearing, scheduled for October 16, 2023, and the adoption of an ordinance by the Town Council. Only the Major Moves Fund needs approval from the Department of Local Government Finance (DLGF). Approval or denial must be made within fifteen days of request.

The remaining funds are 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.

Councilor Schoon moved, with a second by Councilor Tulowitzki, to hear proposed introduced Ordinance 1918 for additional appropriations on first reading and schedule a public hearing and second reading for October 16, 2023. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion carried.

#### **ORDINANCE 1919: STORMWATER MANAGEMENT AND TECHNICAL STANDARDS MANUAL**

Proposed ORDINANCE 1919 is AN ORDINANCE ADOPTING A STORMWATER MANAGEMENT ORDINANCE FOR THE TOWN OF MUNSTER. The Town of Munster has been designated by the State of Indiana as a Municipal Separate Storm Sewer System (MS4). The Indiana Department of Environmental Management (IDEM) issued a Municipal Separate Storm Sewer General Permit (MS4GP) which replaced 327 IAC 15-13. This had the effect of establishing permitting requirements for all MS4 units in Indiana. In addition, IDEM also established a Construction Stormwater General Permit (CSGP) regulating construction practices to reduce pollution of stormwater from construction-related activities. Under the MS4GP, the Town is required to update its stormwater related ordinances to reflect the changes in the new permitting requirements.

The Local Technical Assistance Program at Purdue University developed a template for a stormwater management ordinance and stormwater technical manual which meets these new requirements. This was the basis for the documents presented to Council this evening. Both documents will be used by Staff to ensure that development within Munster meets all State requirements.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to approve the Storm Water Technical Standards Manual as presented. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion passed.

Councilor Tulowitzki moved, with a second by Councilor Mellon, to accept Ordinance 1919 for Stormwater Management on first reading and set for second reading and potential adoption at the October 16, 2023, Council meeting. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion passed.

#### **ORDINANCE 1920: AMENDING THE 50/50 SIDEWALK IMPROVEMENT PROGRAM**

Proposed ORDINANCE 1920 is AN ORDINANCE AMENDING ORDINANCE 1821 50/50 PUBLIC SIDEWALK REPLACEMENT PROGRAM. Ordinance 1821 established the 50/50 Sidewalk Replacement Program and Ordinance 1866 amended the program to reduce the financial burden on homeowners with corner lots. Since its inception, Staff has received calls expressing concern about the affordability of the improvement they must make. All homeowners are given the option to defer the work for one year and to set up an interest-free payment plan. Even with this option, a very small number of homeowners find this to be a financial hardship.

Staff are proposing an amendment to allow for potential waivers of improvement fees. This is based on the Indiana Housing and Community Development Authority (IHCDA) which establishes a threshold of earning 60% of the State median income to be eligible for assistance. The IHCDA raises this threshold as the number of people in the household increases. Staff recommends following the same proportional increase using median income for the Town of Munster as reported by the United States Census Bureau.

Homeowners will need to provide their tax returns from the prior year to determine if they meet the income threshold. Consideration of the waiver would be handled like those of a water leak adjustment on the Consent Agenda of a Council meeting.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to accept Ordinance 1920 AN ORDINANCE AMENDING THE 50/50 SIDEWALK PROGRAM on first read and set for second reading and potential adoption at the October 16, 2023, Council meeting. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion passed.

#### **AGREEMENT FOR LEAD SERVICE LINE INVENTORY GRANT**

The Town of Munster has been awarded a grant from the Indiana Finance Authority (IFA) to help compile a comprehensive service line inventory to fulfill the requirements of IDEM. The deadline for completion is October 2024. 120Water specialized in lead line compliance issues and will assist the Town in the review and analysis of Town utility records to identify and/or predict areas with active lead water service pipes.

120Water has entered into a professional services agreement with the IFA at no cost to the Town for the proposed scope of work. The next step is for the Town to enter into a one-year Master Service Agreement at no cost to the Town with 120Water for it to be able to conduct the scope of work over the next year.

In response to Councilors Tulowitzki and Schoon, Staff stated that the project will construct a database and the inventory must be made public.

Councilor Tulowitzki moved, with a second by Councilor Mellon, to approve the Master Services Agreement with 120Water to review the Town of Munster utility records and create a comprehensive service line inventory for the amount of \$19,520.00. This amount is directly paid to 120Water by the IFA under the terms of the \$19,520.00 grant. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against.

#### **REVISED SEH ENGINEERING AGREEMENT: BRIDGES OVER DITCHES**

At the October 19, 2020, meeting, Council approved an agreement with SEH to design the extension of the existing bike trail in the NIPSCO easement south of Schoon Ditch into the Town of Highland. During the project design, utility issues forced the trail to be realigned several times. The original project budget of \$140,500.00 has been fully expended.

The trail alignment has been finalized. At this point additional geotechnical information must be obtained, permitting modified and final design documents prepared. In addition, the Town of Highland has requested a trail following the NIPSCO easement south to Martha Street be included in the scope of work. This will require modifications to the environmental document and additional topographic survey and design work. Funding will be from general obligation bond proceeds.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to approve the supplemental letter agreement with Short Elliott Hendrickson Inc. for additional design engineering services related to the Munster-Highland Pedestrian Bridges project in the amount of \$108,100.00. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion carried.

#### **APPROVAL OF ENGINEERING AGREEMENT: 2024 PAVING AND WATERMAIN IMPROVEMENTS**

The Town intends to pave 2.2 miles of local streets and replace 1.2 miles of watermain during the 2024 construction season. This work is in addition to the four streets planned for paving under the Community Crossings Matching Grant Program. Staff sought requests for proposals to perform the design engineering work on the following roads.

- Fran Lin Parkway from Southwood Drive to Camellia Drive (paving only)
- Chestnut Lane from Fran Link Parkway to Marth Street (watermain and paving)
- Holly Lane from Chestnut Lane to Crestwood Avenue (watermain and paving)
- Camellia Drive from Southwood Avenue to White Oak Avenue (watermain and paving)
- White Oak Avenue from Camellia Drive to Fran Lin Parkway (watermain and paving)

The proposals for a lump sum cost for design and bidding phase services were as follows.

Short Elliott Hendrickson (SEH)	\$ 85,206.59
Troyer Group	\$152,500.00
DLZ	\$184,950.00
HWC Engineering	\$241,500.00
Lochmueller Group	\$306,100.00

Construction inspection services were quoted separately at an hourly rate. The SEH proposal included an estimated number of hours for this work. This number of hours was used to calculate the construction inspection costs for the next lowest bidder. Using this method, SEH remained the lowest cost.

Councilor Schoon moved, with a second by Councilor Tulowitzki, to authorize the Town Manager to engage Short Elliott Hendrickson (SEH) to provide engineering design services for the 2024 Paving and Water Main Improvements for the lump sum amount of \$85,206.59 and construction inspection services on an hourly basis not-to-exceed \$69,323.85. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion carried.

#### **CHANGE ORDER #2: CCMG 22-2 PAVING AND WATER MAIN IMPROVEMENTS**

Council awarded a contract to Milestone Contractors North, Inc at the March 6, 2023, meeting for the CCMG 22-2 paving project in the amount of \$1,496,049.60. Change Order #1 was approved at the September 7, 2023, meeting in the amount of \$144,959.22.

The original contract was designed to connect a new water main on Camellia Drive to the existing main east of the Fran Lin Parkway right-of-way to avoid pavement replacement. However, this section of main experienced two breaks within a six-month period, the most recent occurring during construction of this project. With the contractor in the vicinity, Staff determined it would be wise to extend the new water main across the intersection, replacing this section of pipe, and connecting to the main on the west side of the intersection.

The cost of the additional work is \$27,080.00 and includes the pavement patching and additional maintenance of traffic needed to perform the work. The new contract total will be \$1,668,088.82.

Councilor Mellon moved, with a second by Councilor Schoon, to approve Change Order No. 2 to the contract for the Paving and Water Main Improvements – White Oak, Camellia, and Beverly (CCMG 22-2) in the amount of \$27,080.00. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion carried.

#### **NICTD INVOICE #4060: WESTLAKE CORRIDOR PROJECT**

On May 16, 2022, the Munster Town Council executed two written commitments and agreements with the Northern Indiana Commuter Transportation District (NICTD). The First Written Commitment and Agreement directed NICTD to authorize its Design-Build Contractor to proceed with a change order for the design and construction of the alternate architecture and aesthetic finishes of the station buildings and passenger platforms at the new Ridge Road and Main Street passenger train stations. The additional design and construction costs are estimated at \$6,007,657.87. The Second Written Commitment and Agreement, for \$397,175.59, directed NICTD to authorize its Design-Build Contractor to proceed with the design and construction of the alternate location of the water main between Fisher Street and the Canadian National/Grand Trunk Western Railroad.

The Town has received an invoice for this work from NICTD. Invoice No. 4060 includes engineering of the betterments associated with the Ridge Road station for the period of June 1, through June 30, 2023. Five percent retainage has been withheld in accordance with the contract.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to authorize payment of Invoice No. 4060 to NICTD in the amount of \$21,328.80 from the TIF Allocation Fund. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion carried.

### **APPROVAL OF MEDIATION AGREEMENT**

The Town participated in mediation in the matter of Trussell v Town of Munster. Under the terms of the proposed agreement, the Town of Munster will pay the plaintiff \$15,000.00.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to accept and approve the Trussel release and settlement agreement. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against.

### **CHANGE ORDER: MUNSTER POLICE DEPARTMENT CAMERA SERVER INSTALLATION**

At the May 1, 2023, meeting, Council entered an agreement with Vermillion Systems for the purchase of a new server for intersection camera and license plate readers in the amount of \$49,939.43. Vermillion and Impact Networking had several issues with the network infrastructure causing additional hours to be needed for installation. Vermillion has asked to be paid for these additional hours in a total of \$1,439.65.

Councilor Tulowitzki moved, with a second by Councilor Mellon, to authorize payment of the additional amount to Vermillion Systems over the original quote, which is an increase of \$1,439.65 which would make the final payment for the Avigilon Camera Install total \$51,379.08. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion carried.

### **REPORTS**

#### **CRIME STATISTICS**

The Police Department presented the 2023 Crime Statistics Report as presented at the September Munster Crime Watch meeting.

### **PORTFOLIO REPORTS**

Clerk Treasurer Mis reported that fifty water customers benefited from the State of Indiana Low Income Home Water Assistance Program as authorized by the Town Council. The program will not be extended.

Councilors Schoon and Tulowitzki reported on the Lake County Solid Waste Management District building that is now ready and hosting classes. In addition, the program is being taken to community schools.

No other reports were given.

### **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, October 16, 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 Schoon and seconded by Councilor Mellon, the meeting adjourned at 7:48 p.m. by voice vote.

**ATTEST:**

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**Chuck Gardiner, President**

\_\_\_\_\_  
**Wendy Mis, Clerk-Treasurer**

DRAFT